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116TH CONGRESS  
1ST SESSION

# H. R. 4229

[Report No. 116–350]

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2019

Mr. LOEBSACK (for himself, Mr. LATTA, Mr. MCEACHIN, and Mr. LONG) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 16, 2019

Additional sponsors: Mr. WELCH, Mr. WITTMAN, Mr. GUTHRIE, Mr. TONKO, Mr. GRIFFITH, Ms. ESHOO, Mr. LUJÁN, Mr. RUSH, Mr. O'HALLERAN, Mrs. RODGERS of Washington, Ms. BLUNT ROCHESTER, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. KINZINGER, Ms. DEGETTE, Mr. MCNERNEY, Ms. CLARKE of New York, Mr. BILIRAKIS, Mr. POCAN, Mr. LOWENTHAL, Mr. GOLDEN, Ms. KENDRA S. HORN of Oklahoma, Mr. PAPPAS, Mr. FITZPATRICK, Mr. HUFFMAN, Mr. CÁRDENAS, Mr. WALDEN, Mr. MARSHALL, Ms. UNDERWOOD, Mr. COX of California, Mr. MCKINLEY, Mr. VAN DREW, Mr. WRIGHT, Mr. BALDERSON, Mr. DAVID SCOTT of Georgia, Mrs. BROOKS of Indiana, Mr. BURGESS, Mrs. HARTZLER, Mrs. AXNE, Mr. AUSTIN SCOTT of Georgia, Ms. FINKENAUER, Ms. WEXTON, Ms. KELLY of Illinois, Mr. STAUBER, Mr. AGUILAR, Mr. ROUDA, Mr. KELLER, Ms. SPANBERGER, Mr. LARSEN of Washington, Ms. TORRES SMALL of New Mexico, Mr. BERGMAN, Mr. ALLEN, Mr. CARSON of Indiana, Mr. SMITH of Missouri, Mr. DELGADO, Mr. EMMER, Mr. GRAVES of Missouri, Mr. THORNBERRY, Mr. RIGGLEMAN, Mr. LUETKEMEYER, Mr. TIPTON, Mr. KHANNA, Mr. OLSON, Mr. MCGOVERN, and Mr. GROTHMAN

DECEMBER 16, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 6, 2019]

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## **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 Deployment*  
5 *Accuracy and Technological Availability Act” or the*  
6 *“Broadband DATA Act”.*

7 **SEC. 2. BROADBAND DATA.**

8        *The Communications Act of 1934 (47 U.S.C. 151 et*  
9 *seq.) is amended by adding at the end the following:*

10 **“TITLE VIII—BROADBAND DATA**

11 **“SEC. 801. DEFINITIONS.**

12        *“In this title:*

13                *“(1) BROADBAND INTERNET ACCESS SERVICE.—*

14        *The term ‘broadband internet access service’ has the*  
15 *meaning given the term in section 8.1(b) of title 47,*  
16 *Code of Federal Regulations, or any successor regula-*  
17 *tion.*

18                *“(2) BROADBAND MAP.—The term ‘Broadband*  
19 *Map’ means the map created by the Commission*  
20 *under section 802(c)(1)(A).*

21                *“(3) CELL EDGE PROBABILITY.—The term ‘cell*  
22 *edge probability’ means the likelihood that the min-*  
23 *imum threshold download and upload speeds with re-*  
24 *spect to broadband internet access service will be met*  
25 *or exceeded at a distance from a base station that is*

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

3 “(4) *CELL LOADING.*—*The term ‘cell loading’*  
4 *means the percentage of the available air interface re-*  
5 *sources of a base station that are used by consumers*  
6 *with respect to broadband internet access service.*

7 “(5) *CLUTTER.*—*The term ‘clutter’ means a nat-*  
8 *ural or man-made surface feature that affects the*  
9 *propagation of a signal from a base station.*

10 “(6) *FABRIC.*—*The term ‘Fabric’ means the*  
11 *Broadband Serviceable Location Fabric established*  
12 *under section 802(b)(1)(B).*

13 “(7) *FORM 477.*—*The term ‘Form 477’ means*  
14 *Form 477 of the Commission relating to local tele-*  
15 *phone competition and broadband reporting.*

16 “(8) *INDIAN TRIBE.*—*The term ‘Indian Tribe’*  
17 *has the meaning given the term ‘Indian tribe’ in sec-*  
18 *tion 4 of the Indian Self-Determination and Edu-*  
19 *cation Assistance Act (25 U.S.C. 5304).*

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

1           “(10) *PROPAGATION MODEL*.—The term ‘propa-  
2           gation model’ means a mathematical formulation for  
3           the characterization of radio wave propagation as a  
4           function of frequency, distance, and other conditions.

5           “(11) *PROVIDER*.—The term ‘provider’ means a  
6           provider of fixed or mobile broadband internet access  
7           service.

8           “(12) *QUALITY OF SERVICE*.—The term ‘quality  
9           of service’ means information regarding offered  
10          download and upload speeds and latency of a pro-  
11          vider’s broadband internet access service as deter-  
12          mined by and to the extent otherwise collected by the  
13          Commission.

14          “(13) *SHAPEFILE*.—The term ‘shapefile’ means a  
15          digital storage format containing geospatial or loca-  
16          tion-based data and attribute information—

17                  “(A) regarding the availability of  
18                  broadband internet access service; and

19                  “(B) that can be viewed, edited, and  
20                  mapped in geographic information system soft-  
21                  ware.

22          “(14) *STANDARD BROADBAND INSTALLATION*.—  
23          The term ‘standard broadband installation’—

24                  “(A) means the initiation by a provider of  
25                  fixed broadband internet access service in an

1           *area where the provider has not previously of-*  
2           *fered that service, with no charges or delays at-*  
3           *tributable to the extension of the network of the*  
4           *provider; and*

5           *“(B) includes the initiation of fixed*  
6           *broadband internet access service through routine*  
7           *installation that can be completed not later than*  
8           *10 business days after the date on which the*  
9           *service request is submitted.*

10 **“SEC. 802. BROADBAND MAPS.**

11           *“(a) RULES.—*

12           *“(1) IN GENERAL.—Not later than 180 days*  
13           *after the date of enactment of this title, the Commis-*  
14           *sion shall issue rules that shall—*

15           *“(A) require the collection and dissemina-*  
16           *tion of granular data, as determined by the*  
17           *Commission—*

18           *“(i) relating to the availability and*  
19           *quality of service of terrestrial fixed, fixed*  
20           *wireless, satellite, and mobile broadband*  
21           *internet access service; and*

22           *“(ii) that the Commission shall use to*  
23           *compile the maps created under subsection*  
24           *(c)(1) (referred to in this section as ‘cov-*

1 erage maps’), which the Commission shall  
2 make publicly available; and

3 “(B) establish—

4 “(i) processes through which the Com-  
5 mission can verify the accuracy of data sub-  
6 mitted under subsection (b)(2);

7 “(ii) processes and procedures through  
8 which the Commission, and, as necessary,  
9 other entities or persons submitting non-  
10 public or competitively sensitive informa-  
11 tion under this title, can protect the secu-  
12 rity, privacy, and confidentiality of such  
13 non-public or competitively sensitive infor-  
14 mation, including—

15 “(I) information contained in the  
16 Fabric;

17 “(II) the dataset created under  
18 subsection (b)(1)(A) supporting the  
19 Fabric; and

20 “(III) the data submitted under  
21 subsection (b)(2);

22 “(iii) the challenge process described in  
23 subsection (b)(5); and

24 “(iv) the process described in section  
25 803(b).

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

5                   “(A) *State, local, and Tribal governmental*  
6                   *entities that are primarily responsible for map-*  
7                   *ping or tracking broadband internet access serv-*  
8                   *ice coverage for a State, unit of local govern-*  
9                   *ment, or Indian Tribe, as applicable;*

10                   “(B) *third parties, including industry anal-*  
11                   *ysis, mapping, or tracking of broadband internet*  
12                   *access service coverage and quality of service, if*  
13                   *the Commission determines that it is in the pub-*  
14                   *lic interest to use such data in—*

15                           “(i) *the development of the coverage*  
16                           *maps; or*

17                           “(ii) *the verification of data submitted*  
18                           *under subsection (b); and*

19                           “(C) *other Federal agencies.*

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

22                   “(A) *reflect changes in technology;*

23                   “(B) *ensure the accuracy of propagation*  
24                   *models, as further provided in subsection (b)(3);*  
25                   *and*



1                   “(C) *improve the usefulness of the coverage*  
2                   *maps.*

3                   “(b) *CONTENT OF RULES.—*

4                   “(1) *ESTABLISHMENT OF A SERVICEABLE LOCA-*  
5                   *TION FABRIC REGARDING FIXED BROADBAND.—*

6                   “(A) *DATASET.—*

7                   “(i) *IN GENERAL.—The Commission*  
8                   *shall create a common dataset of all loca-*  
9                   *tions in the United States where fixed*  
10                   *broadband internet access service can be in-*  
11                   *stalled, as determined by the Commission.*

12                   “(ii) *CONTRACTING.—*

13                   “(I) *IN GENERAL.—Subject to*  
14                   *subclauses (II) and (III), the Commis-*  
15                   *sion may only contract with an entity*  
16                   *with expertise with respect to geo-*  
17                   *graphic information systems (referred*  
18                   *to in this subsection as ‘GIS’) to create*  
19                   *and maintain the dataset under clause*  
20                   *(i).*

21                   “(II) *APPLICATION OF THE FED-*  
22                   *ERAL ACQUISITION REGULATION.—A*  
23                   *contract into which the Commission*  
24                   *enters under subclause (I) shall in all*  
25                   *respects comply with applicable provi-*

1                    *sions of the Federal Acquisition Regu-*  
2                    *lation.*

3                    “(III) *LIMITATIONS.—With re-*  
4                    *spect to a contract into which the Com-*  
5                    *mission enters under subclause (I)—*

6                    “(aa) *the entity with which*  
7                    *the Commission contracts shall be*  
8                    *selected through a competitive bid*  
9                    *process that is transparent and*  
10                    *open;*

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

15                    “(AA) *with an entity,*  
16                    *and for the purposes, de-*  
17                    *scribed in clause (i); and*

18                    “(BB) *that complies*  
19                    *with the requirements under*  
20                    *subclause (II) and this sub-*  
21                    *clause; and*

22                    “(cc) *the contract shall pro-*  
23                    *hibit the entity with which the*  
24                    *Commission contracts (and re-*  
25                    *quire such entity to include in*

1                    *any contract with any other enti-*  
2                    *ty with which such entity con-*  
3                    *tracts a provision prohibiting*  
4                    *such other entity) from selling,*  
5                    *leasing, or otherwise disclosing for*  
6                    *monetary consideration any per-*  
7                    *sonally identifiable information to*  
8                    *any entity other than for purposes*  
9                    *authorized under this title.*

10                    *“(B) FABRIC.—The rules issued by the*  
11                    *Commission under subsection (a)(1) shall estab-*  
12                    *lish the Broadband Serviceable Location Fabric,*  
13                    *which shall—*

14                    *“(i) contain geocoded information for*  
15                    *each location identified under subparagraph*  
16                    *(A)(i);*

17                    *“(ii) serve as the foundation upon*  
18                    *which all data relating to the availability of*  
19                    *fixed broadband internet access service col-*  
20                    *lected under paragraph (2)(A) shall be re-*  
21                    *ported and overlaid;*

22                    *“(iii) be compatible with commonly*  
23                    *used GIS software; and*

24                    *“(iv) at a minimum, be updated every*  
25                    *6 months by the Commission.*

1           “(C) *IMPLEMENTATION PRIORITY.*—*The*  
2           *Commission shall prioritize implementing the*  
3           *Fabric for rural and insular areas of the United*  
4           *States.*

5           “(2) *COLLECTION OF INFORMATION.*—*The rules*  
6           *issued by the Commission under subsection (a)(1)*  
7           *shall include uniform standards for the reporting of*  
8           *broadband internet access service data that the Com-*  
9           *mission shall collect—*

10           “(A) *from each provider of terrestrial fixed,*  
11           *fixed wireless, or satellite broadband internet ac-*  
12           *cess service, which shall include data that—*

13           “(i) *documents the areas where the*  
14           *provider—*

15           “(I) *has actually built out the*  
16           *broadband network infrastructure of*  
17           *the provider such that the provider is*  
18           *able to provide that service; and*

19           “(II) *could provide that service,*  
20           *as determined by identifying where the*  
21           *provider is capable of performing a*  
22           *standard broadband installation, if ap-*  
23           *plicable;*

24           “(ii) *includes information regarding*  
25           *download and upload speeds, at various*

1 *thresholds established by the Commission,*  
2 *and, if applicable, latency with respect to*  
3 *broadband internet access service that the*  
4 *provider makes available;*

5 *“(iii) can be georeferenced to the GIS*  
6 *data in the Fabric;*

7 *“(iv) the provider shall report as—*

8 *“(I) with respect to providers of*  
9 *fixed wireless broadband internet ac-*  
10 *cess service—*

11 *“(aa) propagation maps and*  
12 *propagation model details that—*

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

1                   “(BB) reflect the speeds  
2                   and latency of the service  
3                   provided 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—

8                   “(AA) may only permit,  
9                   and not require, a provider  
10                  to report the data using that  
11                  means of reporting; and

12                  “(BB) in the rules  
13                  issued under subsection  
14                  (a)(1), shall provide a meth-  
15                  od for using that means of  
16                  reporting with respect to  
17                  Tribal areas; and

18                  “(II) with respect to providers of  
19                  terrestrial fixed and satellite  
20                  broadband internet access service—

21                  “(aa) polygon shapefiles; 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  
6                   issued under subsection  
7                   (a)(1), shall provide a meth-  
8                   od for using that means of  
9                   reporting with respect to  
10                  Tribal areas; and

11                  “(v) the Commission determines is ap-  
12                  propriate with respect to certain tech-  
13                  nologies in order to ensure that the  
14                  Broadband Map is granular and accurate;  
15                  and

16                  “(B) from each provider of mobile  
17                  broadband internet access service, which shall in-  
18                  clude propagation maps, and propagation model  
19                  details, that indicate the current (as of the date  
20                  on which the information is collected) fourth gen-  
21                  eration Long-Term Evolution (commonly re-  
22                  ferred to as ‘4G LTE’) mobile broadband inter-  
23                  net access service coverage of the provider, which  
24                  shall—

1                   “(i) take into consideration the effect of  
2 clutter; and

3                   “(ii) satisfy—

4                   “(I) the requirements of having—

5                   “(aa) a download speed of  
6 not less than 5 megabits per sec-  
7 ond and an upload speed of not  
8 less than 1 megabit per second  
9 with a cell edge probability of not  
10 less than 90 percent; and

11                   “(bb) cell loading of not less  
12 than 50 percent; and

13                   “(II) any other parameter that  
14 the Commission determines to be nec-  
15 essary to create a map under sub-  
16 section (c)(1)(C) that is more precise  
17 than the map produced as a result of  
18 the submissions under the Mobility  
19 Fund Phase II information collection.

20                   “(3) UPDATE OF REPORTING STANDARDS FOR  
21 MOBILE BROADBAND INTERNET ACCESS SERVICE.—

22 For the purposes of paragraph (2)(B), if the Commis-  
23 sion determines that the reporting standards under  
24 that paragraph are insufficient to collect accurate  
25 propagation maps and propagation model details



1       *with respect to future generations of mobile*  
2       *broadband internet access service technologies, the*  
3       *Commission shall immediately commence a rule-*  
4       *making to adopt new reporting standards with re-*  
5       *spect to those technologies that—*

6               “(A) shall be the functional equivalent of  
7               the standards required under paragraph (2)(B);  
8               and

9               “(B) allow for the collection of propagation  
10              maps and propagation model details that are as  
11              accurate and granular as, or more accurate and  
12              granular than, the maps and model details col-  
13              lected by the Commission under paragraph  
14              (2)(B).

15              “(4) CERTIFICATION AND VERIFICATION.—With  
16              respect to a provider that submits information to the  
17              Commission under paragraph (2)—

18              “(A) the provider shall include in each sub-  
19              mission a certification from a corporate officer of  
20              the provider that the officer has examined the in-  
21              formation contained in the submission and that,  
22              to the best of the officer’s actual knowledge, infor-  
23              mation, and belief, all statements of fact con-  
24              tained in the submission are true and correct;  
25              and

1           “(B) the Commission shall verify the accu-  
2 racy and reliability of the information in ac-  
3 cordance with measures established by the Com-  
4 mission.

5           “(5) CHALLENGE PROCESS.—

6           “(A) IN GENERAL.—In the rules issued  
7 under subsection (a)(1), and subject to subpara-  
8 graph (B), the Commission shall establish a  
9 user-friendly challenge process through which  
10 consumers, State, local, and Tribal governmental  
11 entities, and other entities or persons may sub-  
12 mit coverage data to the Commission to challenge  
13 the accuracy of—

14                   “(i) the coverage maps;

15                   “(ii) any information submitted by a  
16 provider regarding the availability of  
17 broadband internet access service; or

18                   “(iii) the information included in the  
19 Fabric.

20           “(B) CONSIDERATIONS; VERIFICATION; RE-  
21 SPONSE TO CHALLENGES.—In establishing the  
22 challenge process required under subparagraph  
23 (A), the Commission shall—

24                   “(i) consider—

1           “(I) the types of information that  
2           an entity or person submitting a chal-  
3           lenge should provide to the Commission  
4           in support of the challenge;

5           “(II) the appropriate level of  
6           granularity for the information de-  
7           scribed in subclause (I);

8           “(III) the need to mitigate the  
9           time and expense incurred by, and the  
10          administrative burdens placed on, enti-  
11          ties or persons in—

12                  “(aa) challenging the accu-  
13                  racy of a coverage map; and

14                  “(bb) responding to chal-  
15                  lenges described in item (aa);

16          “(IV) the costs to consumers and  
17          providers resulting from a  
18          misallocation of funds because of a re-  
19          liance on outdated or otherwise inac-  
20          curate information in the coverage  
21          maps;

22          “(V) any lessons learned from the  
23          challenge process established under Mo-  
24          bility Fund Phase II, as determined

1                   *from comments solicited by the Com-*  
2                   *mission; and*

3                   “*(VI) the need for user-friendly*  
4                   *challenge submission formats that will*  
5                   *promote participation in the challenge*  
6                   *process;*

7                   “*(ii) include a process for verifying the*  
8                   *data submitted through the challenge proc-*  
9                   *ess in order to ensure the reliability of that*  
10                  *data;*

11                  “*(iii) allow providers to respond to*  
12                  *challenges submitted through the challenge*  
13                  *process; and*

14                  “*(iv) develop an online mechanism,*  
15                  *which—*

16                   “*(I) shall be integrated into the*  
17                   *coverage maps;*

18                   “*(II) allows for an entity or per-*  
19                   *son described in subparagraph (A) to*  
20                   *submit a challenge under the challenge*  
21                   *process;*

22                   “*(III) makes challenge data avail-*  
23                   *able in both geographic information*  
24                   *system and non-geographic informa-*  
25                   *tion system formats; and*

1                   “(IV) clearly identifies the areas  
2                   in which broadband internet access  
3                   service is available, and the upload  
4                   and download speeds at which that  
5                   service is available, as reported to the  
6                   Commission under this section.

7                   “(C) USE OF CHALLENGES.—The rules  
8                   issued to establish the challenge process under  
9                   subparagraph (A) shall include—

10                   “(i) a process for the speedy resolution  
11                   of challenges; and

12                   “(ii) a process for the regular and ex-  
13                   peditious updating of the coverage maps  
14                   and granular data the Commission dissemi-  
15                   nates as challenges are resolved.

16                   “(D) AUTOMATION TOOL.—Not earlier than  
17                   1 year after, and not later than 18 months after,  
18                   the rules issued under subsection (a)(1) are im-  
19                   plemented, the Commission shall, after an oppor-  
20                   tunity for notice and comment, submit to the  
21                   Committee on Energy and Commerce of the  
22                   House of Representatives and the Committee on  
23                   Commerce, Science, and Transportation of the  
24                   Senate a report that—

1           “(i) evaluates the challenge process;  
2           and

3           “(ii) considers whether the Commission  
4           should amend its rules to create an auto-  
5           mated tool that includes predictive capabili-  
6           ties to identify potential inaccuracies and  
7           features that allow a provider of broadband  
8           internet access service, the Commission, and  
9           the public to visualize the data relating to  
10          broadband internet access service that the  
11          provider reports in order to improve the ac-  
12          curacy of the data submitted by the pro-  
13          vider.

14          “(6) REFORM OF FORM 477 PROCESS.—

15                 “(A) IN GENERAL.—Not later than 180  
16                 days after the date on which the rules issued  
17                 under subsection (a)(1) take effect, the Commis-  
18                 sion shall—

19                         “(i) reform the Form 477 broadband  
20                         deployment service availability collection  
21                         process of the Commission to achieve the  
22                         purposes of this title and in a manner that  
23                         enables the comparison of data and maps  
24                         produced before the implementation of this  
25                         title with data and coverage maps produced

1           *after the implementation of this title and*  
2           *maintains the public availability of*  
3           *broadband deployment service availability*  
4           *data; and*

5           “(ii) *harmonize reporting requirements*  
6           *and procedures regarding the deployment of*  
7           *broadband internet access service that, as of*  
8           *the date on which the rules issued under*  
9           *subsection (a)(1) take effect, are in effect.*

10          “(B) *CONTINUED COLLECTION AND REPORT-*  
11          *ING.—On and after the date on which the Com-*  
12          *mission carries out subparagraph (A), the Com-*  
13          *mission shall continue to collect and publicly re-*  
14          *port subscription data that the Commission col-*  
15          *lected through the Form 477 broadband deploy-*  
16          *ment service availability collection process, as in*  
17          *effect on July 1, 2019.*

18          “(c) *MAPS.—The Commission shall—*

19                 “(1) *after consulting with the Federal Geo-*  
20                 *graphic Data Committee established by section 753(a)*  
21                 *of the Geospatial Data Act of 2018 (43 U.S.C.*  
22                 *2802(a)), create—*

23                         “(A) *the Broadband Map, which shall de-*  
24                         *pict—*

1           “(i) the extent of the availability of  
2           broadband internet access service in the  
3           United States, without regard to whether  
4           that service is fixed broadband internet ac-  
5           cess service or mobile broadband internet  
6           access service, which shall be based on data  
7           collected by the Commission from all pro-  
8           viders; and

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

11          “(B) a map that depicts the availability of  
12          fixed broadband internet access service, which  
13          shall be based on data collected by the Commis-  
14          sion from providers under subsection (b)(2)(A);  
15          and

16          “(C) a map that depicts the availability of  
17          mobile broadband internet access service, which  
18          shall be based on data collected by the Commis-  
19          sion from providers under subsection (b)(2)(B);

20          “(2) use the maps created under paragraph  
21          (1)—

22                 “(A) to determine the areas in which terres-  
23                 trial fixed, fixed wireless, mobile, and satellite  
24                 broadband internet access service is and is not  
25                 available; and



1           “(B) when making any new award of fund-  
2           ing with respect to the deployment of broadband  
3           internet access service;

4           “(3) update the maps created under paragraph  
5           (1) not less frequently than biannually using the most  
6           recent data collected from providers under subsection  
7           (b)(2);

8           “(4) make available to all Federal agencies, upon  
9           request, the maps created under paragraph (1);

10          “(5) establish a process to make the data col-  
11          lected under subsection (b)(2) available to the Na-  
12          tional Telecommunications and Information Admin-  
13          istration; and

14          “(6) make public at an appropriate level of  
15          granularity—

16                 “(A) the maps created under paragraph (1);

17                 and

18                 “(B) the data collected by the Commission  
19                 with respect to broadband internet access service  
20                 availability and quality of service.

21          “(d) *DELAYED EFFECTIVE DATE OF QUALITY OF*  
22          *SERVICE RULES.*—Any requirement of a rule relating to  
23          quality of service issued under subsection (a)(1) shall take  
24          effect not earlier than the date that is 180 days after the  
25          date on which the Commission issues such rule.

1 **“SEC. 803. IMPROVING DATA ACCURACY.**

2       “(a) *AUDITS.*—*The Commission shall conduct regular*  
3 *audits of information submitted to the Commission by pro-*  
4 *viders under section 802(b)(2) to ensure that the providers*  
5 *are complying with this title.*

6       “(b) *CROWDSOURCING.*—

7               “(1) *IN GENERAL.*—*The Commission shall—*

8                       “(A) *develop a process through which enti-*  
9 *ties or persons in the United States may submit*  
10 *specific information about the deployment and*  
11 *availability of broadband internet access service*  
12 *in the United States on an ongoing basis so that*  
13 *the information may be used to verify and sup-*  
14 *plement information provided by providers of*  
15 *broadband internet access service for inclusion in*  
16 *the maps created under section 802(c)(1); and*

17                       “(B) *update the maps created under section*  
18 *802(c)(1) on no less than an annual cycle based*  
19 *on the information received through such process.*

20               “(2) *COLLABORATION.*—*As part of the efforts of*  
21 *the Commission to facilitate the ability of entities or*  
22 *persons to submit information under paragraph (1),*  
23 *the Commission shall—*

24                       “(A) *prioritize the consideration of data*  
25 *provided by data collection applications used by*

1 consumers that the Commission has deter-  
2 mined—

3 “(i) are highly reliable; and

4 “(ii) have proven methodologies for de-  
5 termining network coverage and network  
6 performance; and

7 “(B) coordinate with the Postmaster Gen-  
8 eral, or the heads of other Federal agencies that  
9 operate delivery fleet vehicles, to facilitate the  
10 submission of specific information by the United  
11 States Postal Service or such other agencies  
12 under paragraph (1).

13 “(c) *TECHNICAL ASSISTANCE TO INDIAN TRIBES.*—

14 “(1) *IN GENERAL.*—Subject to paragraph (2), the  
15 Commission shall hold annual workshops for Tribal  
16 governments to provide technical assistance with the  
17 collection and submission of data under section  
18 802(a)(2)(A).

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

23 “(d) *TECHNICAL ASSISTANCE TO SMALL SERVICE*  
24 *PROVIDERS.*—The Commission shall establish a process  
25 through which a provider that has fewer than 100,000 ac-

1 *tive broadband internet access service connections may re-*  
2 *quest and receive assistance from the Commission with re-*  
3 *spect to geographic information system data processing to*  
4 *ensure that the provider is able to comply with the rules*  
5 *issued under section 802(a)(1) in a timely and accurate*  
6 *manner.*

7 *“(e) GAO ASSESSMENT OF FABRIC SOURCE DATA.—*

8 *“(1) ASSESSMENT.—The Comptroller General of*  
9 *the United States shall conduct an assessment of key*  
10 *data sources that are used for purposes of the Fabric*  
11 *to identify and geocode locations where fixed*  
12 *broadband internet access service can be installed, in*  
13 *order to develop recommendations for how the quality*  
14 *and completeness of such data sources can be im-*  
15 *proved as data sources for the Fabric. Data sources*  
16 *to be assessed shall include any sources of relevant*  
17 *Federal data, including the National Address Data-*  
18 *base administered by the Department of Transpor-*  
19 *tation, State- and county-level digitized parcel data,*  
20 *and property tax record tax attribute recording.*

21 *“(2) REPORT.—Not later than 1 year after the*  
22 *date of the enactment of this title, the Comptroller*  
23 *General shall submit to the Committee on Energy and*  
24 *Commerce of the House of Representatives and the*  
25 *Committee on Commerce, Science, and Transpor-*

1        *tation of the Senate a report containing the rec-*  
2        *ommendations developed in the assessment under*  
3        *paragraph (1).*

4        *“(f) TECHNICAL ASSISTANCE TO CONSUMERS AND*  
5        *STATE, LOCAL, AND TRIBAL GOVERNMENTAL ENTITIES.—*  
6        *The Commission shall provide technical assistance to con-*  
7        *sumers and State, local, and Tribal governmental entities*  
8        *with respect to the challenge process established under sec-*  
9        *tion 802(b)(5), which shall include—*

10            *“(1) detailed tutorials and webinars; and*

11            *“(2) making available staff of the Commission to*  
12        *provide assistance, as needed, throughout the entirety*  
13        *of the challenge process.*

14        **“SEC. 804. COST.**

15        *“(a) LIMITATION.—The Commission may not use*  
16        *funds from the universal service programs of the Commis-*  
17        *sion established under section 254, and the regulations*  
18        *issued under that section, to carry out this title.*

19        *“(b) AUTHORIZATION OF APPROPRIATIONS.—There is*  
20        *authorized to be appropriated to the Commission to carry*  
21        *out this title—*

22            *“(1) \$25,000,000 for fiscal year 2021; and*

23            *“(2) \$9,000,000 for each of the fiscal years 2022*  
24        *through 2028.*

1 **“SEC. 805. OTHER PROVISIONS.**

2 “(a) OMB.—Notwithstanding any other provision of  
3 law, the initial rulemaking required under section  
4 802(a)(1) shall be exempt from review by the Office of Man-  
5 agement and Budget.

6 “(b) PRA.—Chapter 35 of title 44, United States Code  
7 (commonly known as the ‘Paperwork Reduction Act’) shall  
8 not apply to the initial rulemaking required under section  
9 802(a)(1).

10 “(c) EXECUTION OF RESPONSIBILITIES.—Except, with  
11 respect to an entity that is not the Universal Service Ad-  
12 ministrative Company, as provided in sections  
13 802(a)(2)(B), 802(b)(1)(A)(ii), and 803(d), the Commis-  
14 sion—

15 “(1) including the offices of the Commission,  
16 shall carry out the responsibilities assigned to the  
17 Commission under this title; and

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

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

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

Union Calendar No. 279

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 4229**

[Report No. 116-350]

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**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.

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DECEMBER 16, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed