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

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2019

Mr. WICKER (for himself, Mr. PETERS, Mr. THUNE, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:
(1) **BROADBAND INTERNET ACCESS SERVICE.**—The term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) **CELL EDGE PROBABILITY.**—The term “cell edge probability” means the likelihood that the minimum threshold download and upload speeds with respect to broadband internet access service will be met or exceeded at a distance from a base station that is intended to indicate the ultimate edge of the coverage area of a cell.

(3) **CELL LOADING.**—The term “cell loading” means the percentage of the available air interface resources of a base station that are used by consumers with respect to broadband internet access service.

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

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

(6) **FABRIC.**—The term “Fabric” means the Broadband Serviceable Location Fabric established under section 3(b)(1)(B).
(7) Form 477.—The term “Form 477” means Form 477 of the Commission relating to local telephone competition and broadband reporting.

(8) Mobility Fund Phase II.—The term “Mobility Fund Phase II” means the second phase of the proceeding to provide universal service support from the Mobility Fund (WC Docket No. 10–90; WT Docket No. 10–208).

(9) Propagation model.—The term “propagation model” means a mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance, and other conditions.

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

(11) Shapefile.—The term “shapefile” means a digital storage format containing geospatial or location-based data and attribute information—

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

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

(12) Standard broadband installation.—The term “standard broadband installation”—
(A) means the initiation by a provider of new fixed broadband internet access service with no charges or delays attributable to the extension of the network of the provider; and

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

SEC. 3. BROADBAND MAPS.

(a) RULES.—

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

(A) allow for the collection by the Commission of granular data—

(i) relating to the availability of terrestrial fixed, fixed wireless, satellite, and mobile broadband internet access service; and

(ii) that the Commission shall use to compile maps that depict the availability described in clause (i) (referred to in this section as “coverage maps”), which the
Commission shall make publicly available;

and

(B) establish the challenge process described in subsection (b)(4).

(2) OTHER DATA.—In issuing the rules under paragraph (1), the Commission shall consider whether to collect verified coverage data from—

(A) State, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service coverage for a State, unit of local government, or Indian Tribe, as applicable; and

(B) other sources.

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

(A) reflect changes in technology;

(B) ensure the accuracy of propagation models; or

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

(b) CONTENT OF RULES.—

(1) ESTABLISHMENT OF A SERVICEABLE LOCATION FABRIC REGARDING FIXED BROADBAND.—The rules issued by the Commission under subsection (a)(1) shall—
(A) require the Commission to engage with an entity with expertise with respect to geographic information systems (referred to in this subsection as "GIS") to create a common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission;

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

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

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

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

(iv) at a minimum, be updated annually by the Commission to ensure that GIS location data is continuously improved and current; and
(C) prioritize implementing the Fabric for rural areas of the United States before implementing the Fabric for urban and suburban areas of the United States.

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

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

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

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

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

(iv) the provider shall report as—

(I) with respect to providers of fixed wireless broadband internet access service—
(aa) propagation maps and
propagation model details that—

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

(BB) reflect the actual
speeds and latency asserted
by the provider; or

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

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

(aa) polygon shapefiles; or
(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission may only permit, and not require, a provider to report the data using that means of reporting; and

(B) from each provider of mobile broadband internet access service, propagation maps and propagation model details that—

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

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

(3) CERTIFICATION.—With respect to a provider that submits information to the Commission under paragraph (2)—
(A) the provider shall include in each submission a certification from a senior executive of the provider that the senior executive has examined the information contained in the submission and that, to the best of the executive’s knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

(B) the Commission shall verify the accuracy of the information in accordance with measures established by the Commission.

(4) CHALLENGE PROCESS.—

(A) IN GENERAL.—In the rules issued under subsection (a), and subject to subparagraph (B), the Commission shall establish a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities may submit coverage data to the Commission to challenge the coverage maps.

(B) CONSIDERATIONS; VERIFICATION; RESPONSE TO CHALLENGES.—In establishing the challenge process required under subparagraph (A), the Commission shall—

(i) consider—
(I) the information that an entity submitting a challenge under that process should be permitted to provide to the Commission;

(II) the appropriate level of granularity with respect to the information submitted by an entity described in subclause (I);

(III) the time and expense incurred by consumers and providers in challenging the accuracy of a coverage map; and

(IV) the costs to consumers and providers resulting from a misallocation of funds for a period of more than 1 year because of a reliance on outdated or otherwise inaccurate information;

(ii) include a process for verifying the data submitted through the challenge process in order to ensure the reliability of that data; and

(iii) allow providers to respond to challenges submitted through the challenge process.
(C) Use of Challenges.—The Commission shall use data submitted through the challenge process established under subparagraph (A) to evaluate the accuracy of the coverage maps and update the maps as the Commission adjudicates challenges brought through that process.

(5) Reform of Form 477 Process.—Not later than 180 days after the date on which the rules issued under subsection (a) take effect, the Commission shall reform—

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

(B) duplicative reporting requirements and procedures regarding the availability of broadband internet access service that, as of that date, are in effect.

(c) Maps.—The Commission shall—

(1) compile—

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

(B) a map that depicts the availability of mobile broadband internet access service, which shall reflect data collected by the Commission from providers under subsection (b)(2)(B), as refined and modified through the adjudication of challenges submitted under subsection (b)(4);

(2) use the coverage maps—

(A) to determine the areas in which broadband internet access service is and is not available; and

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

(3) update the coverage maps not less frequently than annually using the most recent data collected from providers under subsection (b)(2).

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—It shall be unlawful for a person to willfully and knowingly submit information or data under this Act that is inaccurate with respect to the availability of broadband internet access service.
(b) PENALTY.—Any person that violates subsection (a) shall be subject to an appropriate penalty, as determined by the Commission, under—

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

(2) the rules of the Commission.