

116TH CONGRESS
1ST SESSION

S. 1822

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadband Deploy-
5 ment Accuracy and Technological Availability Act” or the
6 “Broadband DATA Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given the term in section 8.1(b) of title
4 47, Code of Federal Regulations, or any successor
5 regulation.

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

13 (3) CELL LOADING.—The term “cell loading”
14 means the percentage of the available air interface
15 resources of a base station that are used by con-
16 sumers with respect to broadband internet access
17 service.

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

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

23 (6) FABRIC.—The term “Fabric” means the
24 Broadband Serviceable Location Fabric established
25 under section 3(b)(1)(B).

1 (7) FORM 477.—The term “Form 477” means
2 Form 477 of the Commission relating to local tele-
3 phone competition and broadband reporting.

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

9 (9) PROPAGATION MODEL.—The term “propa-
10 gation model” means a mathematical formulation
11 for the characterization of radio wave propagation as
12 a function of frequency, distance, and other condi-
13 tions.

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

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

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

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

24 (12) STANDARD BROADBAND INSTALLATION.—
25 The term “standard broadband installation”—

1 (A) means the initiation by a provider of
2 new fixed broadband internet access service
3 with no charges or delays attributable to the ex-
4 tension of the network of the provider; and

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

10 **SEC. 3. BROADBAND MAPS.**

11 (a) RULES.—

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

15 (A) allow for the collection by the Commis-
16 sion of granular data—

17 (i) relating to the availability of ter-
18 restrial fixed, fixed wireless, satellite, and
19 mobile broadband internet access service;
20 and

21 (ii) that the Commission shall use to
22 compile maps that depict the availability
23 described in clause (i) (referred to in this
24 section as “coverage maps”), which the

1 Commission shall make publicly available;
2 and

3 (B) establish the challenge process de-
4 scribed in subsection (b)(4).

5 (2) OTHER DATA.—In issuing the rules under
6 paragraph (1), the Commission shall consider wheth-
7 er to collect verified coverage data from—

8 (A) State, local, and Tribal governmental
9 entities that are primarily responsible for map-
10 ping or tracking broadband internet access
11 service coverage for a State, unit of local gov-
12 ernment, or Indian Tribe, as applicable; and

13 (B) other sources.

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

16 (A) reflect changes in technology;

17 (B) ensure the accuracy of propagation
18 models; or

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

21 (b) CONTENT OF RULES.—

22 (1) ESTABLISHMENT OF A SERVICEABLE LOCA-
23 TION FABRIC REGARDING FIXED BROADBAND.—The
24 rules issued by the Commission under subsection
25 (a)(1) shall—

1 (A) require the Commission to engage with
2 an entity with expertise with respect to geo-
3 graphic information systems (referred to in this
4 subsection as “GIS”) to create a common
5 dataset of all locations in the United States
6 where fixed broadband internet access service
7 can be installed, as determined by the Commis-
8 sion;

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

11 (i) subject to subparagraph (C), con-
12 tain geocoded information for each location
13 identified under clause (i);

14 (ii) serve as the foundation upon
15 which all data relating to the availability of
16 fixed broadband internet access service col-
17 lected under paragraph (2)(A) shall be
18 overlaid;

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

21 (iv) at a minimum, be updated annu-
22 ally by the Commission to ensure that GIS
23 location data is continuously improved and
24 current; and

1 (C) prioritize implementing the Fabric for
2 rural areas of the United States before imple-
3 menting the Fabric for urban and suburban
4 areas of the United States.

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

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

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

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

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

21 (iv) the provider shall report as—

22 (I) with respect to providers of
23 fixed wireless broadband internet ac-
24 cess service—

- 1 (aa) propagation maps and
2 propagation model details that—
3 (AA) satisfy standards
4 that are similar to those ap-
5 plicable to providers of mo-
6 bile broadband internet ac-
7 cess service under subpara-
8 graph (B) with respect to
9 propagation maps and prop-
10 agation model details; and
11 (BB) reflect the actual
12 speeds and latency asserted
13 by the provider; or
14 (bb) a list of addresses or lo-
15 cations that constitute the service
16 area of the provider, except that
17 the Commission may only permit,
18 and not require, a provider to re-
19 port the data using that means
20 of reporting; and
21 (II) with respect to providers of
22 terrestrial fixed and satellite broad-
23 band internet access service—
24 (aa) polygon shapefiles; or

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

8 (B) from each provider of mobile broad-
9 band internet access service, propagation maps
10 and propagation model details that—

11 (i) indicate the current (as of the date
12 on which the information is collected) mo-
13 bile broadband internet access service cov-
14 erage of the provider, taking into consider-
15 ation the effect of clutter; and

16 (ii) satisfy minimum standards relat-
17 ing to speed, cell edge probability, and cell
18 loading that exceed the standards that pro-
19 viders of mobile broadband internet access
20 service were required to satisfy when mak-
21 ing submissions under the Mobility Fund
22 Phase II information collection.

23 (3) CERTIFICATION.—With respect to a pro-
24 vider that submits information to the Commission
25 under paragraph (2)—

1 (A) the provider shall include in each sub-
2 mission a certification from a senior executive
3 of the provider that the senior executive has ex-
4 amined the information contained in the sub-
5 mission and that, to the best of the executive's
6 knowledge, information, and belief, all state-
7 ments of fact contained in the submission are
8 true and correct; and

9 (B) the Commission shall verify the accu-
10 racy of the information in accordance with
11 measures established by the Commission.

12 (4) CHALLENGE PROCESS.—

13 (A) IN GENERAL.—In the rules issued
14 under subsection (a), and subject to subpara-
15 graph (B), the Commission shall establish a
16 user-friendly challenge process through which
17 consumers, State, local, and Tribal govern-
18 mental entities, and other entities may submit
19 coverage data to the Commission to challenge
20 the coverage maps.

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

25 (i) consider—

1 (I) the information that an entity
2 submitting a challenge under that
3 process should be permitted to provide
4 to the Commission;

5 (II) the appropriate level of gran-
6 ularity with respect to the information
7 submitted by an entity described in
8 subclause (I);

9 (III) the time and expense in-
10 curred by consumers and providers in
11 challenging the accuracy of a coverage
12 map; and

13 (IV) the costs to consumers and
14 providers resulting from a misalloca-
15 tion of funds for a period of more
16 than 1 year because of a reliance on
17 outdated or otherwise inaccurate in-
18 formation;

19 (ii) include a process for verifying the
20 data submitted through the challenge proc-
21 ess in order to ensure the reliability of that
22 data; and

23 (iii) allow providers to respond to
24 challenges submitted through the challenge
25 process.

1 (C) USE OF CHALLENGES.—The Commis-
2 sion shall use data submitted through the chal-
3 lenge process established under subparagraph
4 (A) to evaluate the accuracy of the coverage
5 maps and update the maps as the Commission
6 adjudicates challenges brought through that
7 process.

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

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

15 (B) duplicative reporting requirements and
16 procedures regarding the availability of broad-
17 band internet access service that, as of that
18 date, are in effect.

19 (c) MAPS.—The Commission shall—

20 (1) compile—

21 (A) a map that depicts the availability of
22 fixed broadband internet access service, which
23 shall reflect data collected by the Commission
24 from providers under subsection (b)(2)(A), as
25 refined and modified through the adjudication

1 of challenges submitted under subsection (b)(4);
2 and

3 (B) a map that depicts the availability of
4 mobile broadband internet access service, which
5 shall reflect data collected by the Commission
6 from providers under subsection (b)(2)(B), as
7 refined and modified through the adjudication
8 of challenges submitted under subsection (b)(4);
9 (2) use the coverage maps—

10 (A) to determine the areas in which broad-
11 band internet access service is and is not avail-
12 able; and

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

16 (3) update the coverage maps not less fre-
17 quently than annually using the most recent data
18 collected from providers under subsection (b)(2).

19 **SEC. 4. ENFORCEMENT.**

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

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

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

7 (2) the rules of the Commission.

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