

ADVANCING CRITICAL CONNECTIVITY EXPANDS SERVICE, SMALL BUSINESS RESOURCES, OPPORTUNITIES, ACCESS, AND DATA BASED ON ASSESSED NEED AND DEMAND ACT

JULY 18, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3994]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3994) to establish the Office of Internet Connectivity and Growth, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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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 “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” or the “ACCESS BROADBAND Act”.

**SEC. 2. ESTABLISHMENT OF THE OFFICE OF INTERNET CONNECTIVITY AND GROWTH.**

Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration.

**SEC. 3. DUTIES.**

(a) **OUTREACH.**—The Office shall—

(1) connect with communities that need access to high-speed internet and improved digital inclusion efforts through various forms of outreach and communication techniques;

(2) hold regional workshops across the country to share best practices and effective strategies for promoting broadband access and adoption;

(3) develop targeted broadband training and presentations for various demographic communities through various media; and

(4) develop and distribute publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand broadband access and adoption.

(b) **TRACKING OF FEDERAL DOLLARS.**—

(1) **BROADBAND INFRASTRUCTURE.**—The Office shall track the construction and use of and access to any broadband infrastructure built using any Federal support in a central database.

(2) **ACCOUNTING MECHANISM.**—The Office shall develop a streamlined accounting mechanism by which any agency offering a Federal broadband support program and the Commission through the Universal Service Fund shall provide the information described in paragraph (1) in a standardized and efficient fashion.

(3) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and every year thereafter, the Office shall make public on the website of the Office and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following:

(A) A description of the work of the Office for the previous year and the number of residents of the United States that received broadband as result of Federal broadband support programs and the Universal Service Fund program.

(B) A description of how many residents of the United States were provided broadband by which universal service mechanism or which Federal broadband support program.

(C) An estimate of the economic impact of such broadband deployment efforts on the local economy, including any effect on small businesses or jobs.

**SEC. 4. STREAMLINED APPLICATIONS FOR SUPPORT.**

(a) **AGENCY CONSULTATION.**—The Office shall consult with any agency offering a Federal broadband support program to streamline and standardize the applications process for financial assistance or grants for such program.

(b) **AGENCY STREAMLINING.**—Any agency offering a Federal broadband support program shall amend their applications for broadband support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband support programs across the Government.

(c) **SINGLE APPLICATION.**—To the greatest extent practicable, the Office shall seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

(d) **WEBSITE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Office shall create a central website through which potential applicants can learn about and apply for support through any Federal broadband support program.

**SEC. 5. COORDINATION OF SUPPORT.**

The Office, any agency that offers a Federal broadband support program, and the Commission through the Universal Service Fund shall coordinate with the Office to ensure that support is being distributed in an efficient, technology-neutral, and financially sustainable manner, with the goal of serving the largest number of persons in the United States while avoiding overbuilding and promoting the most job and economic growth for all residents of the United States.

**SEC. 6. DEFINITIONS.**

In this Act:

(1) **AGENCY.**—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information.

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

(4) FEDERAL BROADBAND SUPPORT PROGRAM.—The term “Federal broadband support program” does not include any Universal Service Fund program and means any of the following programs (or any other similar Federal program) to the extent the program offers broadband internet service or programs for promoting broadband access and adoption for various demographic communities through various media for residential, commercial, community providers, or academic establishments:

(A) The Telecommunications and Technology Program of the Appalachian Regional Commission.

(B) The Telecommunications Infrastructure Loans and Loan Guarantees, the Rural Broadband Access Loans and Loan Guarantees, the Substantially Underserved Trust Areas Provisions, the Community Connect Grant Program, and the Distance Learning and Telemedicine Grant Program of the Rural Utilities Service of the Department of Agriculture.

(C) The Public Works and Economic Adjustment Assistance Programs and the Planning and Local Technical Assistance Programs of the Economic Development Administration of the Department of Commerce.

(D) The Community Development Block Grants and Section 108 Loan Guarantees, the Funds for Public Housing Authorities: Capital Fund and Operating Fund, the Multifamily Housing, the Indian Community Development Block Grant Program, the Indian Housing Block Grant Program, the Title VI Loan Guarantee Program, Choice Neighborhoods, the HOME Investment Partnerships Program, the Housing Trust Fund, and the Housing Opportunities for Persons with AIDS of the Department of Housing and Urban Development.

(E) The American Job Centers of the Employment and Training Administration of the Department of Labor.

(F) The Library Services and Technology Grant Programs of the Institute of Museum and Library Services.

(5) OFFICE.—The term “Office” means the Office of Internet Connectivity and Growth established pursuant to section 2.

(6) UNIVERSAL SERVICE FUND PROGRAM.—The term “Universal Service Fund program” means any program authorized under section 254 of the Communications Act of 1934 (47 U.S.C. 254) to help deploy broadband.

(7) UNIVERSAL SERVICE MECHANISM.—The term “universal service mechanism” means any funding stream provided by a Universal Service Fund program to support broadband access.

#### PURPOSE AND SUMMARY

H.R. 3994, the “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” was introduced on October 6, 2017, by Representative Paul Tonko (D-NY). H.R. 3994 would establish an Office of Internet Connectivity and Growth at the National Telecommunications and Information Administration (NTIA). The Office of Internet Connectivity and Growth would coordinate and track Federal funding for broadband across all agencies. This office would streamline the process of applying for Federal funding for projects that expand broadband access.

#### BACKGROUND AND NEED FOR LEGISLATION

NTIA, a division of the U.S. Department of Commerce, is the executive branch agency principally responsible for advising the President on telecommunications and information policy issues. NTIA also plays an important role in expanding broadband Internet access and adoption in America, expanding the use of spectrum by all users, and ensuring that the Internet remains an engine for continued innovation and economic growth.

In addition, the NTIA Administrator is currently a Co-Chair of the Broadband Interagency Working Group (BIWG), which works with other Federal agencies to improve coordination across programs, reduce regulatory barriers to broadband deployment, promote awareness of the importance of Federal support for broadband investment and digital inclusion programs, and collect and share information with communities about available Federal resources for broadband deployment and digital inclusion efforts.

In an effort to ensure these Federal resources are not distributed in competition with one another, H.R. 3994 would authorize NTIA to track and coordinate broadband funding across the Federal government.

#### COMMITTEE ACTION

On January 30, 2018, the Subcommittee on Communications and Technology held a hearing on H.R. 3994. The Subcommittee received testimony from:

- Jonathan Spalter, President and CEO, USTelecom;
  - Brad Gillen, Executive Vice President, CTIA;
  - Matthew Polka, President and CEO, American Cable Association;
  - Shirley Bloomfield, CEO, NTCA—The Rural Broadband Association;
  - Scott Slesinger, Legislative Director, National Resources Defense Council;
  - Joanne S. Hovis, President, CTC Technology and Energy;
- and
- Elin Swanson Katz, Consumer Counsel, Connecticut Consumer Counsel.

On June 13, 2018, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3994, as amended, to the full Committee by a voice vote. On July 12, 2018, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3994, as amended, favorably reported to the House by a voice vote.

#### 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 recorded votes taken in connection with ordering H.R. 3994 reported.

#### OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held a hearing and made findings that are reflected in this report.

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

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3994 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to establish the Office of Internet Growth and Connectivity at NTIA.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 3994 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

## EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3994 contains no earmarks, limited tax benefits, or limited tariff benefits.

## DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, the Committee finds that H.R. 3994 contains no directed rule makings.

## ADVISORY COMMITTEE STATEMENT

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

## 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.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

Section 1 provides that the Act may be cited as the “Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand Act” or the “ACCESS BROADBAND Act.”

*Section 2. Establishment of the Office of Internet Connectivity and Growth*

Section 2 requires the Assistant Secretary to establish the Office of Internet Growth and Connectivity within 180 days of enactment.

*Section 3. Duties*

Section 3 establishes several duties of the Office, including: connecting communities that need access to broadband and improved digital inclusion efforts through various forms of outreach and communications techniques; holding regional workshops across the country to share best practices and effective strategies for promoting broadband access and adoption; developing targeted broadband training and presentations for various demographic communities through various media; and developing and distributing publications providing guidance, strategies, and insights to communities as communities develop strategies to expand broadband access and adoption.

Section 3 further directs the Office to track and account for Federal dollars used to support broadband deployment, as well as report annually to Congress on the work of the Office, a description of how many residents were provided broadband by either the universal service mechanism or the Federal broadband support program, and an estimate of the economic impact of such broadband deployment efforts.

*Section 4. Streamlined applications for support*

Section 4 requires the Office to consult any agency offering a Federal broadband support program to streamline and standardize the application process.

Additionally, Section 4 requires any agency offering a Federal broadband support program to amend their applications to streamline and standardize it. Section 4 further requires the Office to seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband support programs.

Finally, Section 4 requires the Office to create a central website through which potential applicants can learn about and apply for support through any Federal broadband support program within 180 days of enactment.

*Section 5. Coordination of support*

Section 5 requires any agency that offers a Federal broadband support program and the Commission, through the Universal Service Fund, to coordinate with the Office to ensure that support is being distributed in an efficient, technology-neutral, and financially sustainable manner with the goal of serving the largest number of persons in the United States while avoiding overbuilding and pro-

moting the most job and economic growth for all residents of the United States.

*Section 6. Definitions*

Section 6 defines several terms in the Act, including “Agency,” “Assistant Secretary,” “Commission,” “Federal Broadband Support Program,” “Universal Service Fund Program,” and “Universal Service Mechanism.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

