

MAPPING ACCURACY PROMOTES SERVICES ACT

DECEMBER 16, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4227]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4227) to prohibit the submission to the Federal Communications Commission of broadband internet access service coverage information or data for the purposes of compiling an inaccurate broadband coverage map, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 4227, the Mapping Accuracy Promotes Services Act” or “MAPS Act”, was introduced on September 6, 2019, by Reps. McEachin (D–VA), Long (R–MO), Loebsack (D–IA), and Latta (R–OH), and referred to the Committee on Energy and Commerce. To

ensure that the Federal Communications Commission (FCC or Commission) and the public have access to accurate and granular information regarding the availability of broadband, the MAPS Act specifies that it is unlawful for a person to willfully, knowingly, or recklessly submit inaccurate information about the availability or quality of service of broadband.

II. BACKGROUND AND NEED FOR LEGISLATION

The FCC began collecting subscription and connection data for broadband and telephone service using Form 477 in 2000.¹ Since then, these data have become the primary source for many FCC actions, including its publication of statutorily mandated reports to Congress regarding competition among certain service providers, and the availability of advanced communications capability.² The FCC has also used these data to update its universal service policies, including by excluding certain areas from receiving support.³

In recent years, the FCC's efforts at mapping the availability of broadband internet access service have been widely criticized. A key part of the failures of the Commission's mapping process relates to inaccurately submitted data. In December of 2018, the FCC opened an investigation into whether one or more major carriers violated the Mobility Fund Phase II reverse auction's mapping rules by submitting inaccurate mapping data,⁴ and in May of 2019, one company erroneously claimed to be serving millions more people than it was in fact serving.⁵

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 4227:

The Subcommittee on Communications and Technology held a legislative hearing on September 11, 2019, entitled "Legislating to Connect America: Improving the Nation's Broadband Maps." The Subcommittee received testimony from the following witnesses:

- James M. Assey, Executive Vice President, NCTA—The Internet & Television Association;
- Shirley Bloomfield, Chief Executive Officer, NTCA—The Rural Broadband Association;
- Dana J. Floberg, Policy Manager, Free Press & Free Press Action;
- Jonathan Spalter, President and CEO, US Telecom Association;
- Grant Spellmeyer, Vice President, Federal Affairs & Public Policy, U.S. Cellular; and
- James W. Stegeman, President/CEO, CostQuest Associates.

¹See Federal Communications Commission, *Establishing the Digital Opportunity Data Collection, Modernizing the FCC Form 477 Data Program*, Report and Order and Second Notice of Proposed Rulemaking, WC Docket No. 19–195 and WC Docket No. 11–10, at ¶5 (rel. Aug. 6, 2019) (hereinafter "FCC Broadband Mapping Order").

²*Id.*

³*Id.* at ¶8.

⁴Federal Communications Commission, *FCC Launches Investigation into Potential Violations of Mobility Fund Phase II Mapping Rules*, Press Release (Dec. 7, 2018).

⁵Federal Communications Commission, *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Statement of Commissioner Geoffrey Starks, GN Docket No. 18–238, at 327 (rel. May 29, 2019).

IV. COMMITTEE CONSIDERATION

H.R. 4227, the “Mapping Accuracy Promotes Services Act” or “MAPS Act”, was introduced on September 6, 2019, by Reps. McEachin (D–VA), Long (R–MO), Loeb sack (D–IA), and Latta (R–OH), and referred to the Committee on Energy and Commerce. The bill was subsequently referred to the Subcommittee on Communications and Technology on September 7, 2019. Following a legislative hearing, on November 14, 2019, the Subcommittee met in open markup session, pursuant to notice, for consideration of H.R. 4227. No amendments were offered during Subcommittee consideration. Subsequently, the Subcommittee on Communications and Technology agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to forward H.R. 4227 favorably to the full Committee, without amendment, by voice vote.

On November 20, 2019, the full Committee on Energy and Commerce met in open markup session, pursuant to notice, to consider H.R. 4227. During consideration of the bill, no amendments were offered. Subsequently, the full Committee agreed to a motion by Mr. Pallone, Chairman of the committee, to order H.R. 4227 reported favorably to the House, without amendment, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 4227, including the motion on final passage by Mr. Pallone on the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. 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.

IX. 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 make it unlawful for any person to submit inaccurate broadband availability or quality of service data willfully, knowingly, or recklessly.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4227 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, 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.

XII. EARMARKS, 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. 4227 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

The legislation does not create any new Federal advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act.

XIV. 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.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 designates that the short title may be cited as the “Mapping Accuracy Promotes Services Act” or “MAPS Act”.

Sec. 2. Definitions

Section 2 provides definitions for the terms “broadband internet access service”, “Commission”, “provider”, and “quality of service”.

Sec. 3. Enforcement

Section 3 specifies that it is unlawful for a person to willfully, knowingly, or recklessly submit inaccurate information about the availability or quality of service of broadband. The Committee recognizes that information and data submitted by providers may contain minor mistakes. Therefore, the standard set forth in this provision, including the word “recklessly”, is not intended to apply to providers who submit information that contains unintentional er-

rors, minor mistakes, small omissions, and small overstatements. Instead, the focus is on materially inaccurate information that will have a significant impact on the Commission's collection and use of the information and data under this Act.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 4227.

