

BROADBAND DEPLOYMENT ACCURACY AND  
TECHNOLOGICAL AVAILABILITY 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. 4229]

The Committee on Energy and Commerce, to whom was referred  
the bill (H.R. 4229) to require the Federal Communications Com-  
mission to issue rules relating to the collection of data with respect  
to the availability of broadband services, 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 “Broadband Deployment Accuracy and Technological Availability Act” or the “Broadband DATA Act”.

**SEC. 2. BROADBAND DATA.**

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

**“TITLE VIII—BROADBAND DATA****“SEC. 801. DEFINITIONS.**

“In this title:

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

“(3) 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.

“(4) 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.

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

“(6) FABRIC.—The term ‘Fabric’ means the Broadband Serviceable Location Fabric established under section 802(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) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(9) 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).

“(10) 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.

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

“(12) QUALITY OF SERVICE.—The term ‘quality of service’ means information regarding offered download and upload speeds and latency of a provider’s broadband internet access service as determined by and to the extent otherwise collected by the Commission.

“(13) 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 be viewed, edited, and mapped in geographic information system software.

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

“(A) means the initiation by a provider of fixed broadband internet access service in an area where the provider has not previously offered that 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. 802. BROADBAND MAPS.**

“(a) RULES.—

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

“(A) require the collection and dissemination of granular data, as determined by the Commission—

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

“(ii) that the Commission shall use to compile the maps created under subsection (c)(1) (referred to in this section as ‘coverage maps’), which the Commission shall make publicly available; and

“(B) establish—

“(i) processes through which the Commission can verify the accuracy of data submitted under subsection (b)(2);

“(ii) processes and procedures through which the Commission, and, as necessary, other entities or persons submitting non-public or competitively sensitive information under this title, can protect the security, privacy, and confidentiality of such non-public or competitively sensitive information, including—

“(I) information contained in the Fabric;

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

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

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

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

“(2) OTHER DATA.—In issuing the rules under paragraph (1), the Commission shall develop a process through which the Commission can collect verified data for use in the coverage maps 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;

“(B) third parties, including industry analysis, mapping, or tracking of broadband internet access service coverage and quality of service, if the Commission determines that it is in the public interest to use such data in—

“(i) the development of the coverage maps; or

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

“(C) other Federal agencies.

“(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, as further provided in subsection (b)(3); and

“(C) improve the usefulness of the coverage maps.

“(b) CONTENT OF RULES.—

“(1) ESTABLISHMENT OF A SERVICEABLE LOCATION FABRIC REGARDING FIXED BROADBAND.—

“(A) DATASET.—

“(i) IN GENERAL.—The Commission shall 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.

“(ii) CONTRACTING.—

“(I) IN GENERAL.—Subject to subclauses (II) and (III), the Commission may only contract with an entity with expertise with respect to geographic information systems (referred to in this subsection as ‘GIS’) to create and maintain the dataset under clause (i).

“(II) APPLICATION OF THE FEDERAL ACQUISITION REGULATION.—A contract into which the Commission enters under subclause (I) shall in all respects comply with applicable provisions of the Federal Acquisition Regulation.

“(III) LIMITATIONS.—With respect to a contract into which the Commission enters under subclause (I)—

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

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

“(AA) with an entity, and for the purposes, described in clause (i); and

“(BB) that complies with the requirements under subclause (II) and this subclause; and

- “(cc) the contract shall prohibit the entity with which the Commission contracts (and require such entity to include in any contract with any other entity with which such entity contracts a provision prohibiting such other entity) from selling, leasing, or otherwise disclosing for monetary consideration any personally identifiable information to any entity other than for purposes authorized under this title.
- “(B) FABRIC.—The rules issued by the Commission under subsection (a)(1) shall establish the Broadband Serviceable Location Fabric, which shall—
- “(i) contain geocoded information for each location identified under subparagraph (A)(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 reported and overlaid;
  - “(iii) be compatible with commonly used GIS software; and
  - “(iv) at a minimum, be updated every 6 months by the Commission.
- “(C) IMPLEMENTATION PRIORITY.—The Commission shall prioritize implementing the Fabric for rural and insular areas of the United States.
- “(2) COLLECTION OF INFORMATION.—The rules issued by the Commission under subsection (a)(1) shall include uniform standards for the reporting of broadband internet access service data that the Commission shall collect—
- “(A) from each provider of terrestrial fixed, fixed wireless, or satellite broadband internet access service, which shall include data that—
    - “(i) documents the areas where the provider—
      - “(I) has actually built out the broadband network infrastructure of the provider such that the provider is able to provide that service; and
      - “(II) could provide that service, as determined by identifying where the provider is capable of performing a standard broadband installation, if applicable;
    - “(ii) includes information regarding download and upload speeds, at various thresholds established by the Commission, and, if applicable, latency with respect to broadband internet access service that the provider makes available;
    - “(iii) can be georeferenced to the GIS data in the Fabric;
    - “(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 applicable to providers of mobile broadband internet access service under subparagraph (B) with respect to propagation maps and propagation model details, taking into account material differences between fixed wireless and mobile broadband internet access service; and
          - “(BB) reflect the speeds and latency of the service provided by the provider; or
        - “(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—
          - “(AA) may only permit, and not require, a provider to report the data using that means of reporting; and
          - “(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and
      - “(II) with respect to providers of terrestrial fixed and satellite broadband 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—
          - “(AA) may only permit, and not require, a provider to report the data using that means of reporting; and
          - “(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and
    - “(v) the Commission determines is appropriate with respect to certain technologies in order to ensure that the Broadband Map is granular and accurate; and
  - “(B) from each provider of mobile broadband internet access service, which shall include propagation maps, and propagation model details, that

indicate the current (as of the date on which the information is collected) fourth generation Long-Term Evolution (commonly referred to as '4G LTE') mobile broadband internet access service coverage of the provider, which shall—

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

“(ii) satisfy—

“(I) the requirements of having—

“(aa) a download speed of not less than 5 megabits per second and an upload speed of not less than 1 megabit per second with a cell edge probability of not less than 90 percent; and

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

“(II) any other parameter that the Commission determines to be necessary to create a map under subsection (c)(1)(C) that is more precise than the map produced as a result of the submissions under the Mobility Fund Phase II information collection.

“(3) UPDATE OF REPORTING STANDARDS FOR MOBILE BROADBAND INTERNET ACCESS SERVICE.—For the purposes of paragraph (2)(B), if the Commission determines that the reporting standards under that paragraph are insufficient to collect accurate propagation maps and propagation model details with respect to future generations of mobile broadband internet access service technologies, the Commission shall immediately commence a rulemaking to adopt new reporting standards with respect to those technologies that—

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

“(B) allow for the collection of propagation maps and propagation model details that are as accurate and granular as, or more accurate and granular than, the maps and model details collected by the Commission under paragraph (2)(B).

“(4) CERTIFICATION AND VERIFICATION.—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 corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

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

“(5) CHALLENGE PROCESS.—

“(A) IN GENERAL.—In the rules issued under subsection (a)(1), 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 or persons may submit coverage data to the Commission to challenge the accuracy of—

“(i) the coverage maps;

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

“(iii) the information included in the Fabric.

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

“(i) consider—

“(I) the types of information that an entity or person submitting a challenge should provide to the Commission in support of the challenge;

“(II) the appropriate level of granularity for the information described in subclause (I);

“(III) the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities or persons in—

“(aa) challenging the accuracy of a coverage map; and

“(bb) responding to challenges described in item (aa);

“(IV) the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps;

“(V) any lessons learned from the challenge process established under Mobility Fund Phase II, as determined from comments solicited by the Commission; and

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

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

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

“(iv) develop an online mechanism, which—

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

“(II) allows for an entity or person described in subparagraph (A) to submit a challenge under the challenge process;

“(III) makes challenge data available in both geographic information system and non-geographic information system formats; and

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

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

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

“(ii) a process for the regular and expeditious updating of the coverage maps and granular data the Commission disseminates as challenges are resolved.

“(D) AUTOMATION TOOL.—Not earlier than 1 year after, and not later than 18 months after, the rules issued under subsection (a)(1) are implemented, the Commission shall, after an opportunity for notice and comment, 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 that—

“(i) evaluates the challenge process; and

“(ii) considers whether the Commission should amend its rules to create an automated tool that includes predictive capabilities to identify potential inaccuracies and features that allow a provider of broadband internet access service, the Commission, and the public to visualize the data relating to broadband internet access service that the provider reports in order to improve the accuracy of the data submitted by the provider.

“(6) REFORM OF FORM 477 PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the rules issued under subsection (a)(1) take effect, the Commission shall—

“(i) reform the Form 477 broadband deployment service availability collection process of the Commission to achieve the purposes of this title and in a manner that enables the comparison of data and maps produced before the implementation of this title with data and coverage maps produced after the implementation of this title and maintains the public availability of broadband deployment service availability data; and

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

“(B) CONTINUED COLLECTION AND REPORTING.—On and after the date on which the Commission carries out subparagraph (A), the Commission shall continue to collect and publicly report subscription data that the Commission collected through the Form 477 broadband deployment service availability collection process, as in effect on July 1, 2019.

“(c) MAPS.—The Commission shall—

“(1) after consulting with the Federal Geographic Data Committee established by section 753(a) of the Geospatial Data Act of 2018 (43 U.S.C. 2802(a)), create—

“(A) the Broadband Map, which shall depict—

“(i) the extent of the availability of broadband internet access service in the United States, without regard to whether that service is fixed broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers; and

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

“(B) a map that depicts the availability of fixed broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(A); and

- “(C) a map that depicts the availability of mobile broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(B);
- “(2) use the maps created under paragraph (1)—
- “(A) to determine the areas in which terrestrial fixed, fixed wireless, mobile, and satellite broadband internet access service is and is not available; and
- “(B) when making any new award of funding with respect to the deployment of broadband internet access service;
- “(3) update the maps created under paragraph (1) not less frequently than bi-annually using the most recent data collected from providers under subsection (b)(2);
- “(4) make available to all Federal agencies, upon request, the maps created under paragraph (1);
- “(5) establish a process to make the data collected under subsection (b)(2) available to the National Telecommunications and Information Administration; and
- “(6) make public at an appropriate level of granularity—
- “(A) the maps created under paragraph (1); and
- “(B) the data collected by the Commission with respect to broadband internet access service availability and quality of service.
- “(d) DELAYED EFFECTIVE DATE OF QUALITY OF SERVICE RULES.—Any requirement of a rule relating to quality of service issued under subsection (a)(1) shall take effect not earlier than the date that is 180 days after the date on which the Commission issues such rule.
- “SEC. 803. IMPROVING DATA ACCURACY.**
- “(a) AUDITS.—The Commission shall conduct regular audits of information submitted to the Commission by providers under section 802(b)(2) to ensure that the providers are complying with this title.
- “(b) CROWDSOURCING.—
- “(1) IN GENERAL.—The Commission shall—
- “(A) develop a process through which entities or persons in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States on an ongoing basis so that the information may be used to verify and supplement information provided by providers of broadband internet access service for inclusion in the maps created under section 802(c)(1); and
- “(B) update the maps created under section 802(c)(1) on no less than an annual cycle based on the information received through such process.
- “(2) COLLABORATION.—As part of the efforts of the Commission to facilitate the ability of entities or persons to submit information under paragraph (1), the Commission shall—
- “(A) prioritize the consideration of data provided by data collection applications used by consumers that the Commission has determined—
- “(i) are highly reliable; and
- “(ii) have proven methodologies for determining network coverage and network performance; and
- “(B) coordinate with the Postmaster General, or the heads of other Federal agencies that operate delivery fleet vehicles, to facilitate the submission of specific information by the United States Postal Service or such other agencies under paragraph (1).
- “(c) TECHNICAL ASSISTANCE TO INDIAN TRIBES.—
- “(1) IN GENERAL.—Subject to paragraph (2), the Commission shall hold annual workshops for Tribal governments to provide technical assistance with the collection and submission of data under section 802(a)(2)(A).
- “(2) ANNUAL REVIEW.—Each year, the Commission, in consultation with Indian Tribes, shall review the need for continued workshops required under paragraph (1).
- “(d) TECHNICAL ASSISTANCE TO SMALL SERVICE PROVIDERS.—The Commission shall establish a process through which a provider that has fewer than 100,000 active broadband internet access service connections may request and receive assistance from the Commission with respect to geographic information system data processing to ensure that the provider is able to comply with the rules issued under section 802(a)(1) in a timely and accurate manner.
- “(e) GAO ASSESSMENT OF FABRIC SOURCE DATA.—
- “(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of key data sources that are used for purposes of the Fabric to identify and geocode locations where fixed broadband internet access service

can be installed, in order to develop recommendations for how the quality and completeness of such data sources can be improved as data sources for the Fabric. Data sources to be assessed shall include any sources of relevant Federal data, including the National Address Database administered by the Department of Transportation, State- and county-level digitized parcel data, and property tax record tax attribute recording.

“(2) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller General shall 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 containing the recommendations developed in the assessment under paragraph (1).

“(f) TECHNICAL ASSISTANCE TO CONSUMERS AND STATE, LOCAL, AND TRIBAL GOVERNMENTAL ENTITIES.—The Commission shall provide technical assistance to consumers and State, local, and Tribal governmental entities with respect to the challenge process established under section 802(b)(5), which shall include—

“(1) detailed tutorials and webinars; and

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

**“SEC. 804. COST.**

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

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

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

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

**“SEC. 805. OTHER PROVISIONS.**

“(a) OMB.—Notwithstanding any other provision of law, the initial rulemaking required under section 802(a)(1) shall be exempt from review by the Office of Management and Budget.

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

“(c) EXECUTION OF RESPONSIBILITIES.—Except, with respect to an entity that is not the Universal Service Administrative Company, as provided in sections 802(a)(2)(B), 802(b)(1)(A)(ii), and 803(d), the Commission—

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

“(2) may not delegate any of the responsibilities assigned to the Commission under this title to any third party, including the Universal Service Administrative Company.

“(d) REPORTING.—Each fiscal year, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that summarizes the implementation of this title and associated enforcement activities conducted during the previous fiscal year.”.

## I. PURPOSE AND SUMMARY

H.R. 4229, the “Broadband Deployment Accuracy and Technological Availability Act” or “the Broadband DATA Act”, was introduced on September 6, 2019, by Reps. Loebsack (D-IA), Latta (R-OH), McEachin (D-VA), and Long (R-MO), and referred to the Committee on Energy and Commerce. In order to dramatically reform the Nation’s problematic broadband deployment maps, H.R. 4229 would require the Federal Communications Commission (FCC or Commission) to issue new rules to require the collection and dissemination of granular broadband availability data. It would also require the FCC to establish a process to verify the accuracy of such data, including by using data submitted by other government entities or the public. In addition, it would require the FCC to use this data to create coverage maps based on a serviceable location fabric of all locations that could receive fixed broadband service,



and it would require the FCC to create a separate coverage map for mobile 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.<sup>1</sup> 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.<sup>2</sup> The FCC also has used these data to update its universal service policies, including by excluding certain areas from receiving support.<sup>3</sup> Notably, the FCC collects Form 477 data for both fixed and mobile broadband.<sup>4</sup>

Through Form 477, historically, the FCC has required fixed broadband providers to identify the census blocks in which fixed broadband service is available.<sup>5</sup> The FCC has defined “availability” as whether the provider does—or could within a typical service interval or without an extraordinary commitment of resources—provide service to a single end user in a given census block.<sup>6</sup> As a result, if even a provider could serve a single area in a census block, the FCC has counted the entire census block as being served.<sup>7</sup> According to the Census Bureau, in “a city, a census block looks like a city block bounded on all sides by streets[,] . . . but [i]n remote areas, census blocks may encompass hundreds of square miles.”<sup>8</sup>

In a 2018 report, the Government Accountability Office (GAO) found that the FCC’s fixed broadband availability methodology overestimates broadband deployment by “counting an entire census block as served if only one location has broadband.”<sup>9</sup> GAO also found the FCC data overstated deployment by “allowing providers to report availability in blocks where they do not have any infrastructure connecting homes to their networks if the providers determine they could offer service to at least one household.”<sup>10</sup>

For mobile broadband service, the FCC’s Form 477 requires providers to report their coverage areas by submitting maps depicting where consumers can expect to receive the minimum advertised services.<sup>11</sup> In imposing this requirement, the FCC does not require providers to use a standardized method with defined technical parameters when determining their coverage areas.<sup>12</sup> As a result, according to the FCC, its mobile broadband data cannot be compared

<sup>1</sup> See 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*”).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at ¶ 8.

<sup>4</sup> *Id.* at ¶ 2.

<sup>5</sup> *Id.* at ¶ 8.

<sup>6</sup> *Id.* at ¶ 13.

<sup>7</sup> Government Accountability Office, *Broadband Internet: FCC’s Data Overstate Access on Tribal Lands*, Report to Congressional Requesters (Sept. 2018) (“*GAO Broadband Internet Report*”), at 17, [www.gao.gov/assets/700/694386.pdf](http://www.gao.gov/assets/700/694386.pdf).

<sup>8</sup> United States Census Bureau, *What Are Census Blocks?*, Census Blogs (Jul. 11, 2011), [www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html](http://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html).

<sup>9</sup> *GAO Broadband Internet Report* at 17.

<sup>10</sup> *Id.*

<sup>11</sup> *FCC Form 477 Instructions* at 24, <https://transition.fcc.gov/form477/477inst.pdf>.

<sup>12</sup> *GAO Broadband Internet Report* at 15.

across providers.<sup>13</sup> To improve the accuracy and usefulness of the mobile broadband data that the FCC collects, Congress included a version of H.R. 1546, the Rural Wireless Access Act, introduced by Reps. Loeb sack (D–IA) and Costello (R–PA), in section 505 of the Consolidated Appropriations Act, 2018.<sup>14</sup> That law requires the FCC to establish a methodology for collecting mobile coverage data within 180 days of the conclusion of the Mobility Fund Phase II Auction.<sup>15</sup>

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.<sup>16</sup> The Mobility Fund Phase II Auction would allocate up to \$4.53 billion over 10 years to advance high-speed mobile broadband service in rural areas.<sup>17</sup> That auction contemplated a mobile data collection separate and apart from Form 477.<sup>18</sup> As a result of the FCC’s investigation, however, the Mobility Fund II auction remains delayed, and the FCC has yet to implement the requirements of the Rural Wireless Access Act.<sup>19</sup>

In August of 2019, the FCC adopted a report and order that will require fixed broadband providers to submit new maps of the areas in which their services are available.<sup>20</sup> As part of this new data collection, the FCC will require providers to submit data using shapefiles—or polygons—rather than on a census block basis, as was previously required.<sup>21</sup> This new collection is similar to the FCC’s Form 477 data in that it will allow providers to submit availability data based on where a provider has a current connection or “could provide such a connection within ten business days of a customer request.”<sup>22</sup> As part of its report and order, the FCC also required the Universal Service Administrative Company (USAC) to create an online portal for “local, state, and tribal governmental entities and members of the public to review and dispute the broadband coverage polygons filed by fixed providers.”<sup>23</sup> The order leaves the current Form 477 system in place, but requests comment on whether the FCC should sunset some or all of the Form 477 collection.<sup>24</sup> Notably, the FCC did not apply this new collection to the mobile broadband providers, only to fixed providers.<sup>25</sup>

Beyond the new data collection, the FCC made several adjustments to the existing Form 477 process. The FCC described these changes as reducing “the burden on service providers required to submit the form.” As part of that, the FCC chose to no longer “treat as confidential service providers’ minimum advertised or expected speed data for mobile broadband services.”

<sup>13</sup> *Id.*

<sup>14</sup> RAY BAUM’S Act, Pub. L. No. 115–141, § 505 (2018).

<sup>15</sup> *Id.*

<sup>16</sup> Federal Communications Commission, *FCC Launches Investigation into Potential Violations of Mobility Fund Phase II Mapping Rules*, Press Release (Dec. 7, 2018).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *FCC Broadband Mapping Order* at ¶ 10.

<sup>21</sup> *Id.* at ¶ 11.

<sup>22</sup> *FCC Form 477 Instructions* at 24, <https://transition.fcc.gov/form477/477inst.pdf>.

<sup>23</sup> *FCC Broadband Mapping Order* at ¶ 11.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* ¶ 2.

Separate from its report and order, the FCC asked additional questions about whether it should require more granular data for fixed providers, how to account for satellite providers, how to improve mobile broadband coverage data, and how to better incorporate public feedback in the data collection process, among other things.

### III. COMMITTEE HEARING

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. 4229:

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.

### IV. COMMITTEE CONSIDERATION

H.R. 4229, the “Broadband Deployment Accuracy and Technological Availability Act” or “the Broadband DATA Act”, was introduced on September 6, 2019, by Reps. Loeb sack (D–IA), Latta (R–OH), McEachin (D–VA), and Long (R–MO), 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. 4229. During the bill’s consideration, an amendment in the nature of a substitute (AINS) was offered by Mr. Loeb sack. An amendment to the Loeb sack AINS was offered by Mr. O’Halleran (D–AZ) and others and was adopted by a voice vote. Afterwards, the Loeb sack AINS was agreed to, amended by the O’Halleran amendment, by a voice vote. Subsequently, the Subcommittee on Communications and Technology agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to forward favorably H.R. 4229, amended, to the full Committee.

On November 20, 2019, the full Committee on Energy and Commerce met in open markup session, pursuant to notice, to consider H.R. 4229. During consideration, Ms. Eshoo (D–CA) offered an amendment that was adopted by a voice vote. At the conclusion of markup of the bill, the Committee on Energy and Commerce agreed to a motion by Mr. Pallone, Chairman of the committee, to order H.R. 4229 reported favorably to the House, amended, 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. 4229, including the motion for final passage of 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 create an accurate and granular map to depict the availability of fixed and mobile broadband.

#### X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 4229 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. 4229 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 “Broadband Deployment Accuracy and Technological Availability Act” or the “Broadband DATA Act”.

### *Sec. 2. Broadband*

This section creates a new Title VIII of the Communications Act of 1934, as amended, and inserts five new sections in Title VIII.

Newly created section 801 defines multiple terms used throughout new Title VIII, including “Broadband Internet Access Service”, “Broadband Map”, “Cell Edge Probability”, “Cell Loading”, and “Clutter”, among others. Importantly, this section includes a definition of quality of service that includes offered download and upload speeds and latency, as determined by and otherwise collected by the Commission.

Newly created section 802 requires the FCC to issue rules that would improve its process for mapping where broadband is and is not reasonably offered.

Subsection (a) of this section requires the FCC to collect and disseminate granular broadband data including that related to the availability and quality of service of broadband. The Commission is also required to publicly issue broadband coverage maps to depict where such service is available. The process of creating this map must also be augmented by additional data to help improve the accuracy of the broadband maps.

Subsection (b)(1) specifies that the Commission shall create a common data set of all locations within the United States that are or could be served with broadband service. This section further specifies some parameters with which the FCC must comply if the Commission chooses to contract out the creation of such a data set. This data set, or fabric, must serve as the bases for the fixed broadband maps required under the bill. The bill directs the FCC to prioritize implementing the fabric for rural and insular areas of the United States before implementing the fabric for urban and suburban areas of the United States. This is intended to focus ini-

tial implementation on high-cost, unserved parts of the country that would be eligible for federal universal service high-cost support, where supplemental information about serviceable locations could be most relevant and useful.

Subsection (b)(2) goes on to further require that the FCC create uniform standards for the reporting of broadband internet access service data for fixed broadband service that includes both where a provider provides service and where a provider could provide service. These data shall also include information regarding upload speed, download speed, and latency at different thresholds, if applicable. These reporting standards should apply to all broadband serviceable locations, including residences, businesses, and community anchor institutions. The Committee expects that data required to be reported under this provision be sufficiently granular to allow the Commission and the public to determine where infrastructure has been deployed by providers to serve consumers. It is not the Committee's intent, however, to require providers who purchase or lease network facilities or services, given the nature of their service, to be required to publicly disclose competitively sensitive material as part of meeting the requirements of this subsection.

Subsection (b)(2)(A)(iv)(I)(bb)(AA) and subsection (b)(2)(A)(iv)(II)(bb)(AA) specify that the Commission must give providers the option of either reporting these data using, at a minimum, propagation maps or shapefiles (depending on the nature of the service) or using a list of addresses. The Commission shall make either option of reporting available—but the Commission cannot as part of the mapping process described in this subsection—require providers to solely report their data based on a list of addresses.

Subsection (b)(2)(B) requires the Commission to collect consistently reported data regarding mobile broadband coverage that takes into consideration the effect of clutter and uses specific metrics for cell edge probability and cell loading, as defined in new section 801. This provision also gives the commission the authority to use other parameters that the Commission determines to be necessary to create a map that is more precise than that created as part of the Mobility Fund Phase II information collection.

Subsection (b)(5) requires the FCC to establish an on-going user-friendly challenge process to ensure that data collected is accurate. Within 18 months of the rules required under this Act being enacted, the Commission must report to Congress regarding the challenge process's effectiveness and whether an automated tool is necessary to improve such process.

Subsection (b)(6) requires the FCC to reform the Form 477 process to enable the comparison of future collected to past reported data while also harmonizing the reporting requirements among the differing data collections.

Subsection (c) requires the FCC to publish separate broadband maps displaying both mobile and fixed broadband coverage and to update those maps at least biannually and to make these maps publicly available.

Newly created section 803 instructs the FCC to take steps through crowdsourcing to improve the accuracy of the broadband maps created under section 803, including by coordinating with the

Postmaster General, or other Federal agencies that operate a delivery fleet, to improve the accuracy of the maps.

Subsection (c), (d), and (f) of section 803 requires the FCC to offer specific technical assistance to tribes, small providers, and States and local governments to help them participate in the process under section 802.

Newly created section 804 prohibits the FCC from using the universal service fund to construct the maps and sets annual authorization amounts for the process outlined in new title VIII. This section also authorizes \$25,000,000 in Fiscal Year (FY) 2021, and \$9,000,000 in each of FY 2022 through FY 2028 for the creation of the broadband serviceable location fabric. The Committee expects the Commission to create the fabric, and the coverage maps from the fabric, as expeditiously as possible, consistent with the Committee's long-term goal of eventually creating a fabric built on open-source information. The Committee further expects the fabric to be created in a timely manner to be considered during future Universal Service Funding opportunities.

Newly created section 805 exempts the program from several administrative requirements to expedite the process and specifies that the Universal Service Administrative Company, or similarly entity, may not discharge the responsibilities of the Commission within this new title. The Committee does not intend, however, to prohibit third-parties from carrying out functions described in newly created section 802(a)(2)(B) or newly created section 803(d).

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

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

### COMMUNICATIONS ACT OF 1934

\* \* \* \* \*

## ***TITLE VIII—BROADBAND DATA***

#### **SEC. 801. DEFINITIONS.**

*In this title:*

(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) **BROADBAND MAP.**—*The term “Broadband Map” means the map created by the Commission under section 802(c)(1)(A).*

(3) **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.*

(4) *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.

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

(6) *FABRIC.*—The term “Fabric” means the Broadband Serviceable Location Fabric established under section 802(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) *INDIAN TRIBE.*—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(9) *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).

(10) *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.

(11) *PROVIDER.*—The term “provider” means a provider of fixed or mobile broadband internet access service.

(12) *QUALITY OF SERVICE.*—The term “quality of service” means information regarding offered download and upload speeds and latency of a provider’s broadband internet access service as determined by and to the extent otherwise collected by the Commission.

(13) *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 be viewed, edited, and mapped in geographic information system software.

(14) *STANDARD BROADBAND INSTALLATION.*—The term “standard broadband installation”—

(A) means the initiation by a provider of fixed broadband internet access service in an area where the provider has not previously offered that 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. 802. BROADBAND MAPS.**

##### **(a) RULES.—**

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

(A) require the collection and dissemination of granular data, as determined by the Commission—



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

(ii) that the Commission shall use to compile the maps created under subsection (c)(1) (referred to in this section as “coverage maps”), which the Commission shall make publicly available; and

(B) establish—

(i) processes through which the Commission can verify the accuracy of data submitted under subsection (b)(2);

(ii) processes and procedures through which the Commission, and, as necessary, other entities or persons submitting non-public or competitively sensitive information under this title, can protect the security, privacy, and confidentiality of such non-public or competitively sensitive information, including—

(I) information contained in the Fabric;

(II) the dataset created under subsection (b)(1)(A) supporting the Fabric; and

(III) the data submitted under subsection (b)(2);

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

(iv) the process described in section 803(b).

(2) *OTHER DATA.*—In issuing the rules under paragraph (1), the Commission shall develop a process through which the Commission can collect verified data for use in the coverage maps 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;

(B) third parties, including industry analysis, mapping, or tracking of broadband internet access service coverage and quality of service, if the Commission determines that it is in the public interest to use such data in—

(i) the development of the coverage maps; or

(ii) the verification of data submitted under subsection (b); and

(C) other Federal agencies.

(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, as further provided in subsection (b)(3); and

(C) improve the usefulness of the coverage maps.

(b) *CONTENT OF RULES.*—

(1) *ESTABLISHMENT OF A SERVICEABLE LOCATION FABRIC REGARDING FIXED BROADBAND.*—

(A) *DATASET.*—

(i) *IN GENERAL.*—The Commission shall 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.

(ii) *CONTRACTING.*—

(I) *IN GENERAL.*—Subject to subclauses (II) and (III), the Commission may only contract with an entity with expertise with respect to geographic information systems (referred to in this subsection as “GIS”) to create and maintain the dataset under clause (i).

(II) *APPLICATION OF THE FEDERAL ACQUISITION REGULATION.*—A contract into which the Commission enters under subclause (I) shall in all respects comply with applicable provisions of the Federal Acquisition Regulation.

(III) *LIMITATIONS.*—With respect to a contract into which the Commission enters under subclause (I)—

(aa) the entity with which the Commission contracts shall be selected through a competitive bid process that is transparent and open;

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

(AA) with an entity, and for the purposes, described in clause (i); and

(BB) that complies with the requirements under subclause (II) and this subclause; and

(cc) the contract shall prohibit the entity with which the Commission contracts (and require such entity to include in any contract with any other entity with which such entity contracts a provision prohibiting such other entity) from selling, leasing, or otherwise disclosing for monetary consideration any personally identifiable information to any entity other than for purposes authorized under this title.

(B) *FABRIC.*—The rules issued by the Commission under subsection (a)(1) shall establish the Broadband Serviceable Location Fabric, which shall—

(i) contain geocoded information for each location identified under subparagraph (A)(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 reported and overlaid;

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

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

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

(2) *COLLECTION OF INFORMATION.*—The rules issued by the Commission under subsection (a)(1) shall include uniform standards for the reporting of broadband internet access service data that the Commission shall collect—

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

(i) documents the areas where the provider—

(I) has actually built out the broadband network infrastructure of the provider such that the provider is able to provide that service; and

(II) could provide that service, as determined by identifying where the provider is capable of performing a standard broadband installation, if applicable;

(ii) includes information regarding download and upload speeds, at various thresholds established by the Commission, and, if applicable, latency with respect to broadband internet access service that the provider makes available;

(iii) can be georeferenced to the GIS data in the Fabric;

(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 applicable to providers of mobile broadband internet access service under subparagraph (B) with respect to propagation maps and propagation model details, taking into account material differences between fixed wireless and mobile broadband internet access service; and

(BB) reflect the speeds and latency of the service provided by the provider; or

(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—

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

(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and

(II) with respect to providers of terrestrial fixed and satellite broadband 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—

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

(BB) in the rules issued under subsection (a)(1), shall provide a method for

using that means of reporting with respect to Tribal areas; and

(v) the Commission determines is appropriate with respect to certain technologies in order to ensure that the Broadband Map is granular and accurate; and

(B) from each provider of mobile broadband internet access service, which shall include propagation maps, and propagation model details, that indicate the current (as of the date on which the information is collected) fourth generation Long-Term Evolution (commonly referred to as “4G LTE”) mobile broadband internet access service coverage of the provider, which shall—

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

(ii) satisfy—

(I) the requirements of having—

(aa) a download speed of not less than 5 megabits per second and an upload speed of not less than 1 megabit per second with a cell edge probability of not less than 90 percent; and

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

(II) any other parameter that the Commission determines to be necessary to create a map under subsection (c)(1)(C) that is more precise than the map produced as a result of the submissions under the Mobility Fund Phase II information collection.

(3) **UPDATE OF REPORTING STANDARDS FOR MOBILE BROADBAND INTERNET ACCESS SERVICE.**—For the purposes of paragraph (2)(B), if the Commission determines that the reporting standards under that paragraph are insufficient to collect accurate propagation maps and propagation model details with respect to future generations of mobile broadband internet access service technologies, the Commission shall immediately commence a rulemaking to adopt new reporting standards with respect to those technologies that—

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

(B) allow for the collection of propagation maps and propagation model details that are as accurate and granular as, or more accurate and granular than, the maps and model details collected by the Commission under paragraph (2)(B).

(4) **CERTIFICATION AND VERIFICATION.**—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 corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

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

## (5) CHALLENGE PROCESS.—

(A) *IN GENERAL.*—In the rules issued under subsection (a)(1), 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 or persons may submit coverage data to the Commission to challenge the accuracy of—

- (i) the coverage maps;
- (ii) any information submitted by a provider regarding the availability of broadband internet access service; or
- (iii) the information included in the Fabric.

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

- (i) consider—
  - (I) the types of information that an entity or person submitting a challenge should provide to the Commission in support of the challenge;
  - (II) the appropriate level of granularity for the information described in subclause (I);
  - (III) the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities or persons in—
    - (aa) challenging the accuracy of a coverage map; and
    - (bb) responding to challenges described in item (aa);
  - (IV) the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps;
  - (V) any lessons learned from the challenge process established under Mobility Fund Phase II, as determined from comments solicited by the Commission; and
  - (VI) the need for user-friendly challenge submission formats that will promote participation in the challenge process;
- (ii) include a process for verifying the data submitted through the challenge process in order to ensure the reliability of that data;
- (iii) allow providers to respond to challenges submitted through the challenge process; and
- (iv) develop an online mechanism, which—
  - (I) shall be integrated into the coverage maps;
  - (II) allows for an entity or person described in subparagraph (A) to submit a challenge under the challenge process;
  - (III) makes challenge data available in both geographic information system and non-geographic information system formats; and
  - (IV) clearly identifies the areas in which broadband internet access service is available, and the upload and download speeds at which that

service is available, as reported to the Commission under this section.

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

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

(ii) a process for the regular and expeditious updating of the coverage maps and granular data the Commission disseminates as challenges are resolved.

(D) *AUTOMATION TOOL.*—Not earlier than 1 year after, and not later than 18 months after, the rules issued under subsection (a)(1) are implemented, the Commission shall, after an opportunity for notice and comment, 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 that—

(i) evaluates the challenge process; and

(ii) considers whether the Commission should amend its rules to create an automated tool that includes predictive capabilities to identify potential inaccuracies and features that allow a provider of broadband internet access service, the Commission, and the public to visualize the data relating to broadband internet access service that the provider reports in order to improve the accuracy of the data submitted by the provider.

(6) *REFORM OF FORM 477 PROCESS.*—

(A) *IN GENERAL.*—Not later than 180 days after the date on which the rules issued under subsection (a)(1) take effect, the Commission shall—

(i) reform the Form 477 broadband deployment service availability collection process of the Commission to achieve the purposes of this title and in a manner that enables the comparison of data and maps produced before the implementation of this title with data and coverage maps produced after the implementation of this title and maintains the public availability of broadband deployment service availability data; and

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

(B) *CONTINUED COLLECTION AND REPORTING.*—On and after the date on which the Commission carries out subparagraph (A), the Commission shall continue to collect and publicly report subscription data that the Commission collected through the Form 477 broadband deployment service availability collection process, as in effect on July 1, 2019.

(c) *MAPS.*—The Commission shall—

(1) after consulting with the Federal Geographic Data Committee established by section 753(a) of the Geospatial Data Act of 2018 (43 U.S.C. 2802(a)), create—

(A) the Broadband Map, which shall depict—

(i) the extent of the availability of broadband internet access service in the United States, without regard to whether that service is fixed broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers; and

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

(B) a map that depicts the availability of fixed broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(A); and

(C) a map that depicts the availability of mobile broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(B);

(2) use the maps created under paragraph (1)—

(A) to determine the areas in which terrestrial fixed, fixed wireless, mobile, and satellite broadband internet access service is and is not available; and

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

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

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

(5) establish a process to make the data collected under subsection (b)(2) available to the National Telecommunications and Information Administration; and

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

(A) the maps created under paragraph (1); and

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

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

**SEC. 803. IMPROVING DATA ACCURACY.**

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

(b) **CROWDSOURCING.**—

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

(A) develop a process through which entities or persons in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States on an ongoing basis so that the information may be used to verify and supplement information provided by providers of broadband internet access service for inclusion in the maps created under section 802(c)(1); and

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

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

(A) prioritize the consideration of data provided by data collection applications used by consumers that the Commission has determined—

(i) are highly reliable; and

(ii) have proven methodologies for determining network coverage and network performance; and

(B) coordinate with the Postmaster General, or the heads of other Federal agencies that operate delivery fleet vehicles, to facilitate the submission of specific information by the United States Postal Service or such other agencies under paragraph (1).

(c) TECHNICAL ASSISTANCE TO INDIAN TRIBES.—

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

(2) ANNUAL REVIEW.—Each year, the Commission, in consultation with Indian Tribes, shall review the need for continued workshops required under paragraph (1).

(d) TECHNICAL ASSISTANCE TO SMALL SERVICE PROVIDERS.—The Commission shall establish a process through which a provider that has fewer than 100,000 active broadband internet access service connections may request and receive assistance from the Commission with respect to geographic information system data processing to ensure that the provider is able to comply with the rules issued under section 802(a)(1) in a timely and accurate manner.

(e) GAO ASSESSMENT OF FABRIC SOURCE DATA.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of key data sources that are used for purposes of the Fabric to identify and geocode locations where fixed broadband internet access service can be installed, in order to develop recommendations for how the quality and completeness of such data sources can be improved as data sources for the Fabric. Data sources to be assessed shall include any sources of relevant Federal data, including the National Address Database administered by the Department of Transportation, State- and county-level digitized parcel data, and property tax record tax attribute recording.

(2) REPORT.—Not later than 1 year after the date of the enactment of this title, the Comptroller General shall 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 containing the recommendations developed in the assessment under paragraph (1).

(f) TECHNICAL ASSISTANCE TO CONSUMERS AND STATE, LOCAL, AND TRIBAL GOVERNMENTAL ENTITIES.—The Commission shall provide technical assistance to consumers and State, local, and Tribal governmental entities with respect to the challenge process established under section 802(b)(5), which shall include—



- (1) detailed tutorials and webinars; and
- (2) making available staff of the Commission to provide assistance, as needed, throughout the entirety of the challenge process.

**SEC. 804. COST.**

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

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

- (1) \$25,000,000 for fiscal year 2021; and
- (2) \$9,000,000 for each of the fiscal years 2022 through 2028.

**SEC. 805. OTHER PROVISIONS.**

(a) *OMB.*—Notwithstanding any other provision of law, the initial rulemaking required under section 802(a)(1) shall be exempt from review by the Office of Management and Budget.

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

(c) *EXECUTION OF RESPONSIBILITIES.*—Except, with respect to an entity that is not the Universal Service Administrative Company, as provided in sections 802(a)(2)(B), 802(b)(1)(A)(ii), and 803(d), the Commission—

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

(2) may not delegate any of the responsibilities assigned to the Commission under this title to any third party, including the Universal Service Administrative Company.

(d) *REPORTING.*—Each fiscal year, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that summarizes the implementation of this title and associated enforcement activities conducted during the previous fiscal year.