

Shelley Moore Capito

116TH CONGRESS
1ST SESSION

S. _____

To improve broadband data collection, mapping, and validation to support the effective deployment of broadband services to all areas of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ *AND Senator Tester and Senator Moran*
Mrs. CAPITO (for herself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve broadband data collection, mapping, and validation to support the effective deployment of broadband services to all areas of the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Broadband Data Im-
5 provement Act of 2019".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

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

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (3) FEDERAL AGENCY.—The term “Federal
9 agency” means—

10 (A) the Commission;

11 (B) the Department of Agriculture;

12 (C) the Department of Commerce;

13 (D) the Department of the Interior;

14 (E) the Federal Trade Commission;

15 (F) the National Economic Council; and

16 (G) the Office of Science and Technology
17 Policy.

18 (4) FORM 477.—The term “Form 477” means
19 Form 477 of the Commission relating to local tele-
20 phone competition and broadband reporting.

21 (5) NATIONAL BROADBAND MAP.—The term
22 “National Broadband Map” means the map devel-
23 oped and maintained by the Commission with re-
24 spect to the availability of broadband internet access
25 service.

1 (6) PROPAGATION MODEL.—The term “propa-
2 gation model” means an empirical mathematical for-
3 mulation for the characterization of radio wave prop-
4 agation as a function of frequency, distance, and
5 other conditions.

6 (7) PROVIDER.—The term “provider” means a
7 provider of broadband internet access service.

8 (8) SHAPEFILE.—The term “shapefile” means
9 a digital storage format containing geospatial or lo-
10 cation-based data and attribute information—

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

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

15 (9) STANDARD BROADBAND INSTALLATION.—
16 The term “standard broadband installation”—

17 (A) means the initiation of new wireline
18 broadband internet access service with no
19 charges or delays attributable to the extension
20 of the network of the provider; and

21 (B) includes the initiation of service that
22 requires only routine installation that can be
23 completed not later than 10 business days after
24 the date on which the service request is sub-
25 mitted.

1 (10) STATE.—The term “State” has the mean-
2 ing given the term in section 3 of the Communica-
3 tions Act of 1934 (47 U.S.C. 153).

4 **SEC. 3. NEW DATA SUBMISSION AND PUBLIC FEEDBACK**
5 **PROCESSES.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Commission shall issue
8 a rule to establish—

9 (1) a reporting requirement under which each
10 provider shall, not less frequently than biannually,
11 submit to the Commission accurate and granular in-
12 formation regarding the geographic availability of
13 broadband internet access service provided by the
14 provider; and

15 (2) a framework for an ongoing challenge proc-
16 ess through which a provider or a member of the
17 public may submit information challenging the accu-
18 racy of the information reflected on the National
19 Broadband Map.

20 (b) REPORTING REQUIREMENT CONDITIONS.—The
21 reporting requirement established by the Commission
22 under subsection (a)(1) shall—

23 (1) require information regarding the service
24 area of each provider to be—

1 (A) submitted in shapefile format, or an-
2 other geospatial format as the Commission may
3 prescribe, to achieve the level of reporting speci-
4 ficity required under paragraph (2) of this sub-
5 section; and

6 (B) before making each submission re-
7 quired under subsection (a)(1), certified—

8 (i) as adhering to such reporting
9 standards as the Commission may pre-
10 scribe;

11 (ii) on a form to be prescribed by the
12 Commission; and

13 (iii) by an officer of the provider;

14 (2) allow for an understanding by the Commis-
15 sion and the general public of speeds and service de-
16 livery types of broadband internet access service that
17 are available through—

18 (A) a standard broadband installation for
19 fixed wireline services; and

20 (B) standardized and tested propagation
21 models with respect to—

22 (i) fixed wireless and satellite services;

23 and

1 (ii) mobile services, with defined fac-
2 tors for signal strength, cell edge prob-
3 ability, and cell loading;

4 (3) define uniform mandatory standards for the
5 reporting of broadband internet access service cov-
6 erage for each delivery type with respect to
7 broadband internet access service in order to—

8 (A) ensure the accuracy and granularity of
9 the data submitted;

10 (B) require each provider to employ con-
11 sistent reporting methods across all States in
12 which the provider provides service;

13 (4) update or replace the Form 477 broadband
14 deployment service availability data collection pro-
15 cess of the Commission; and

16 (5) eliminate all duplicative reporting require-
17 ments and procedures regarding the availability of
18 broadband internet access service that are in exist-
19 ence as of the date on which the Commission estab-
20 lishes the requirement.

21 (c) CHALLENGE PROCESS CONDITIONS.—The frame-
22 work for the challenge process established by the Commis-
23 sion under subsection (a)(2) shall include an ongoing
24 schedule for the periodic—

1 (1) receipt, analysis, and resolution of feedback
2 received through the process; and

3 (2) updating of the National Broadband Map,
4 which shall be completed—

5 (A) in an expeditious manner; and

6 (B) in response to the feedback described
7 in paragraph (1).

8 (d) NATIONAL BROADBAND MAP.—

9 (1) IN GENERAL.—Subject to feedback received
10 through the challenge process, the framework for
11 which is established under subsection (a)(2), a Fed-
12 eral agency shall use the National Broadband Map
13 to determine—

14 (A) the extent of the availability of
15 broadband internet access service; and

16 (B) the areas of the United States that re-
17 main unserved by providers.

18 (2) CHALLENGE NOTICE OF OPPORTUNITY.—

19 Before awarding funding that supports the develop-
20 ment of broadband internet access services and that
21 is based on the information reflected on the National
22 Broadband Map, a Federal agency shall provide no-
23 tice of an opportunity for public feedback to chal-
24 lenge or update the information on the map that—

1 (A) aligns with the schedule established
2 under subsection (c); or

3 (B) provides a separate public feedback op-
4 portunity under rules that may be established
5 by the Federal agency.

6 **SEC. 4. DATA VALIDATION AND SUBMISSION ASSISTANCE.**

7 (a) **SELECTED PROVIDER.—**

8 (1) **SELECTION OF PROVIDER.—**

9 (A) **IN GENERAL.—**The Commission shall
10 use competitive procedures to enter into a con-
11 tract with an entity to provide the services de-
12 scribed in paragraph (2).

13 (B) **COMMISSION DISCRETION.—**The Com-
14 mission may—

15 (i) determine—

16 (I) the period in which an entity
17 selected under subparagraph (A) shall
18 serve in that capacity; and

19 (II) whether to grant an exten-
20 sion with respect to the period de-
21 scribed in subclause (i), including the
22 length of that extension; and

23 (ii) with respect to the contract de-
24 scribed in subparagraph (A), include—

1 (I) a provision relating to liq-
2 uidated damages; and

3 (II) any other reasonable provi-
4 sion to ensure that the contract is
5 sound and enforceable.

6 (2) RESPONSIBILITIES.—Subject to section
7 106(h)(2) of the Broadband Data Improvement Act
8 (47 U.S.C. 1304(h)(2)), the entity selected under
9 paragraph (1) shall, in consultation with, and under
10 the supervision of, the Commission—

11 (A) provide—

12 (i) geographic information system
13 data processing assistance to providers
14 that require that assistance in order to
15 comply with the reporting requirements es-
16 tablished by the Commission under section
17 3(a)(1);

18 (ii) support for the facilitation of the
19 challenge process, the framework for which
20 is established by the Commission under
21 section 3(a)(2); and

22 (iii) independent data validation serv-
23 ices, including in-field verification of the
24 availability of broadband internet access
25 service reported by providers, to the Com-

1 mission to ensure the accuracy and con-
2 tinual refinement of the National
3 Broadband Map;

4 (B) execute data-sharing agreements, as
5 may be requested, with providers to facilitate
6 the exchange of information needed to create
7 shapefiles, or any other such depiction as the
8 Commission may prescribe, of the availability of
9 broadband internet access service for the pur-
10 poses of carrying out subsection (d);

11 (C) analyze the information exchanged
12 under subparagraph (B) to produce depictions
13 of the availability of fixed broadband internet
14 access service and mobile broadband internet
15 access service in compliance with the require-
16 ments established under section 3(a)(1), for any
17 providers that are eligible for the assistance de-
18 scribed in subparagraph (A)(i);

19 (D) provide the depictions of service avail-
20 ability under subparagraph (C) to the Commis-
21 sion for—

22 (i) the internal use of the Commis-
23 sion; and

24 (ii) incorporation in the National
25 Broadband Map;

1 (E) support collaboration between the
2 Commission and other Federal agencies to—

3 (i) track, map, and validate how funds
4 made available through Federal grants,
5 loans, or other financial awards or incen-
6 tives for the development of broadband in-
7 frastructure have been expended to im-
8 prove the availability of broadband internet
9 access service; and

10 (ii) ensure transparency and account-
11 ability with respect to the expenditures de-
12 scribed in clause (i), taking into account
13 existing accountability measures, such as
14 requiring the deployment of broadband in-
15 frastructure to be reported on a geocoded
16 or other location-specific basis;

17 (F) develop and implement an online
18 mechanism to be integrated into the National
19 Broadband Map, which shall solicit and collect
20 feedback submitted by the public and providers
21 through the challenge process, the framework
22 for which is established under section 3(a)(2);
23 and

24 (G) in consultation with the Commission,
25 establish an ongoing data validation and

1 verification process, including selective in-per-
2 son field validation activities, that shall—

3 (i) be guided by intelligence collected
4 through the receipt of public feedback, the
5 acquisition and analysis of third-party
6 datasets, or other methods the entity may
7 develop; and

8 (ii) advise the Commission regarding
9 the continual refinement of the National
10 Broadband Map.

11 (b) PUBLIC COMMENT REQUIRED.—With respect to
12 the selection of an entity under subsection (a), the Com-
13 mission shall seek comment from the public, providers,
14 and other relevant stakeholders regarding the experience
15 and capabilities of organizations that are qualified to be
16 so selected.

17 (c) TERMINATION FOR CAUSE; SELECTION OF NEW
18 ENTITY.—

19 (1) IN GENERAL.—The Commission may, by
20 order, terminate for cause an entity selected under
21 subsection (a).

22 (2) NEW ENTITY.—If the Commission issues a
23 termination order under paragraph (1)(A), the Com-
24 mission shall, not later than 120 days after the date
25 on which the Commission issues that order, select a

1 new qualified entity to carry out subsection (a) in
2 the same manner as provided in that subsection, in-
3 cluding by seeking comment as provided in sub-
4 section (b).

5 (d) PROVIDER REQUEST FOR ASSISTANCE.—

6 (1) IN GENERAL.—The Commission shall imple-
7 ment a process through which a provider may re-
8 quest geographic information system data processing
9 assistance from the entity selected under subsection
10 (a).

11 (2) CONDITIONS FOR APPROVAL.—The entity
12 selected under subsection (a) shall grant a request
13 for assistance submitted by a provider under para-
14 graph (1)—

15 (A) if the provider has more than 100,000
16 broadband connections—

17 (i) upon a demonstration of need by
18 the provider; and

19 (ii) after review and approval by the
20 Commission; and

21 (B) if the provider has not more than
22 100,000 broadband connections, automatically,
23 subject to the availability of funds.

24 (e) NO REGULATORY AUTHORITY.—Nothing in this
25 section may be construed to grant an entity selected under

1 subsection (a) any regulatory jurisdiction with respect to,
2 or oversight authority over, providers or information tech-
3 nology.

4 **SEC. 5. ENFORCEMENT.**

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

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

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

15 (2) the rules of the Commission.

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Com-
18 mission to carry out this Act the following amounts:

19 (1)(A) For fiscal year 2020, \$55,000,000, not
20 less than \$34,500,000 of which shall be made avail-
21 able to carry out section 4.

22 (B) The amounts made available under sub-
23 paragraph (A) shall remain available until expended.

24 (2)(A) For each of fiscal years 2021 through
25 2026, \$50,000,000, not less than \$29,500,000 of

1 which shall be made available in each such fiscal
2 year to carry out section 4.

3 (B) The amounts made available under sub-
4 paragraph (A) shall remain available until expended.