



BROADBAND TRANSPARENCY and ACCOUNTABILITY ACT

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BACKGROUND

Today, poor federal data means that we do not know who in America has access to affordable, quality broadband and who does not. Since 2000, the Federal Communications Commission (FCC) has required internet service providers (ISPs) to report, via Form 477, the census blocks in which they offer service. This data helps determine which areas receive federal support to close the “digital divide.” The current reporting process, however, is deeply flawed.

For example, if one home or business in a census block is served, the entire census block is considered served. Consequently, ISPs often report service that meets the requirements for a census block to be considered served by connecting just one location in that block. A recent Government Accountability Office (GAO) report found that broadband availability data gathered by the FCC from reports compiled by ISPs “does not accurately or completely capture broadband access.” Since federal dollars cannot be deployed to areas already being served—a policy intended to prevent “overbuilding”—this inaccurate data restricts competition and inflates prices in many rural areas across the country. Additionally, data reported through Form 477 is not available to the public in a readily accessible format, and no good process exists to verify or challenge its accuracy.

The Broadband Transparency and Accountability Act fixes these problems by reforming how broadband companies report, and the federal government verifies and shares, data on the availability of affordable, quality broadband across the country.

Expanded reporting requirements and better data collection about which homes and businesses have high-quality broadband and which do not would allow us to better target federal dollars to the areas that need it most.

KEY PROVISIONS

The Broadband Transparency and Accountability Act addresses shortcomings in the federal government's broadband access data collection with provisions to:

1. **Collect Better Data** by:

- a. Requiring ISPs to collect and report more granular, address-level data to the FCC so the federal government can make better decisions about where to invest taxpayer dollars to incentivize broadband buildout;
- b. Ensuring that data on speed and other attributes are consistent with service delivery at high-volume hours;
- c. Requiring the FCC to gather data on affordability, latency, denials of service, and the number of consumers subscribing to broadband service by technology type to provide a more comprehensive understanding of the quality of service provided;
- d. Expanding the FCC's data collection to include other federal agencies, such as USDA, along with state and local governments that choose to participate, while consolidating this data into a singular database.
- e. Updating the FCC's definition of broadband each time new data is collected under the Form 477 Program, to reflect future changes in technology (such as 5G).

2. **Hold Internet Companies Accountable** by:

- a. Establishing formal verification and appeals processes so that individuals, entities, and state governments can challenge the accuracy of the maps and the data provided by ISPs before new federal funds are awarded.

3. **Improve Transparency of Broadband Data** by:

- a. Creating an interactive, searchable Broadband Map showing broadband access nationwide;
- b. Requiring frequent updates to the Broadband Map while incorporating more data on characteristics of broadband service to provide a holistic picture of quality and affordability; and
- c. Making the raw and granular data more readily available to the public and to researchers, while ensuring that any personally identifiable information in the data is protected.

SECTION BY SECTION

Section 1. Short title.

This section establishes the bill's short title as the "Broadband Transparency and Accountability Act of 2019."

Section 2. Definitions.

This section defines terms in the bill, including several that are meant to ensure rural households have the same quality of service as urban households. Some notable definitions include:

- "Affordable broadband service" – service that costs no more than 1.5 percent of the annual median income in that household's county (for counties above the national median income, affordable service is determined by the national and not the county median income).
- "Baseline speed" – the highest speed of broadband service that is available to a substantial majority of urban subscribers.
- "Covered household" – includes not only residences, but also farms, ranches, and businesses.
- "Qualified technology" – technology that delivers broadband service at no less than the baseline speed, excluding technologies that provide broadband service to fewer than five percent of urban subscribers, and technologies that are experimental or speculative

The section also requires the FCC to update the definition of the term "broadband service" at least every two years, to reflect future changes in internet technologies.

Section 3. Collection of Data.

This section requires ISPs to report data under the Form 477 Program for each covered household in its coverage area (as opposed to just one data point for each census block). ISPs must also report data on the speed of their broadband service, both as advertised and as delivered during high-volume hours, as well as some other characteristics of their service. These other characteristics include price and affordability, latency, denials of service and the reason for those denials, and the type of broadband technology available.

The section also requires the FCC to update these reporting requirements at least every three years, but it does not allow the FCC to collect less granular data than this bill requires.

Finally, this section requires the FCC to collect broadband service data from other federal agencies like USDA and state and local governments that are willing to share this data, and to consolidate the data into a single database.

Section 4. Distribution of Data.

This section requires the FCC to coordinate with the Departments of Commerce and Agriculture to develop and maintain a comprehensive nationwide Broadband Map showing existing broadband service capability and availability. The FCC's map will have several layers that users can view, based on the data collected in Section 3. For example, users will be able to see the percentage of covered households in each census block that has access to broadband service at the baseline speed during peak usage hours. The FCC will update the map whenever Form 477 data is collected and make the map public within 180 days of each update.

This section also requires the FCC to make the data available to other federal agencies, local and state governments, nonprofit organizations, and individuals conducting research for non-commercial purposes, but only after the FCC ensures the recipient of the data is able to protect any personally identifiable information contained in the data (the FCC is directed to complete a rulemaking to define "personally identifiable information"). If the FCC cannot determine the entity or individual can protect personally identifiable information, the FCC is directed to make as much of the data available as possible in a way that doesn't compromise this personally identifiable information.

Section 5. Report on Broadband Technologies.

This section requires the FCC to publish every year a report on the number of covered households (including those on Tribal land) that subscribe to broadband service, categorized by the type of technology used to provide last-mile delivery and by whether the household is in a census block that is urban, suburban, or rural.

Section 6. Map Accountability.

This section requires the FCC to establish a process to use broadband data reported by consumers, businesses, and state and local governments as means to verify the data used in the Broadband Map. This verification process must open at least 60 days before the FCC uses the Broadband Map to distribute federal funds for broadband.

This section also directs the FCC to establish an evidence-based process for consumers, businesses, and state and local governments to challenge the accuracy of the data used in the Broadband Map. If challenged, the ISP that reported the data will bear the burden of proving its accuracy.

Any funds announced for distribution prior to the date of enactment of this bill will not be subject to this section.

Section 7. Applicability of Other Laws.

This section establishes that any rulemaking or information collection conducted by the FCC under this Act or an amendment made by this Act is exempt from Office of Management and Budget (OMB) review and from the Paperwork Reduction Act.