

[DISCUSSION DRAFT]

110TH CONGRESS
1ST SESSION

H. R. _____

To provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for a comprehensive nationwide inventory of existing broadband service, 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 Census of
5 America Act of 2007”.

6 **SEC. 2. CENSUS OF BROADBAND SERVICE AND INFRA-**
7 **STRUCTURE DEPLOYMENT.**

8 (a) DUTY TO COLLECT AND REPORT.—

1 (1) ANNUAL ASSESSMENT AND REPORT.—The
2 Commission shall assess and publish a report on the
3 level and nature of deployment of various levels of
4 broadband telecommunications capability by pro-
5 viders of such capability on an annual basis.

6 (2) SPEED LEVELS.—The Commission shall
7 choose levels of broadband telecommunications capa-
8 bility to report upon by identifying tiers of increas-
9 ing speeds that embody both download and upload
10 bandwidth categories and that will provide useful,
11 informative data about the nature and extent of de-
12 ployment of broadband telecommunications capa-
13 bility. The tiers, in the aggregate, shall encompass
14 all speeds currently deployed, and each tier shall be
15 designated, to the extent possible, to correspond to
16 qualitatively different applications and services,
17 which the Commission shall also identify.

18 (3) DATA COLLECTION.—The Commission shall
19 collect data from providers of such capability under
20 its jurisdiction. Such data shall include—

21 (A) deployment information at the postal
22 zip code of 5 or 9 digit level, census tract level,
23 or functional equivalent, and type of technology
24 used to provide capability; and

1 (B) the actual number of residential sub-
2 scribers, small business subscribers, and large
3 business subscribers in each such area, and for
4 each speed tier identified under paragraph (2).

5 (b) EVOLUTION OF ASSESSMENT.—The Commission
6 shall periodically review the levels and speeds of
7 broadband telecommunications capability utilized for its
8 assessment under subsection (a) to take into account
9 changes in technology and marketplace conditions.

10 (c) INTERNATIONAL COMPARISON.—

11 (1) INTERNATIONAL COMPARISON.—As part of
12 the assessment and report required by this section,
13 the Commission shall include information comparing
14 the extent of broadband telecommunications capa-
15 bility (including broadband deployment, broadband
16 speed, and price for broadband telecommunications
17 capability) in 75 communities in at least 25 coun-
18 tries abroad for each of the tier assessed pursuant
19 to subsection (a)(2).

20 (2) CONTENTS.—The Commission shall choose
21 communities for the comparison under this sub-
22 section in a manner that will offer, to the extent
23 possible, comparable population size, population den-
24 sity, topography, and demographic data for various
25 cities, towns, or communities within the United

1 States. The Commission shall include in the com-
2 parison under this subsection—

3 (A) a geographically diverse selection of
4 countries; and

5 (B) communities including the capital cit-
6 ies of such countries.

7 (3) SIMILARITIES AND DIFFERENCES.—The
8 Commission shall identify relevant similarities and
9 differences in each community, including their mar-
10 ket structures, the number of competitors, the num-
11 ber of facilities-based providers, the types of tech-
12 nologies they deploy, and the applications and serv-
13 ices those technologies enable.

14 (d) PROTECTION OF INFORMATION.—Nothing in this
15 section shall reduce or remove any obligation the Commis-
16 sion has to protect proprietary information, nor shall this
17 section be construed to compel the Commission to make
18 publicly available any proprietary information.

19 (e) REGULATIONS.—The Commission shall, within
20 180 days after the date of enactment of this Act, promul-
21 gate regulations to implement this section.

22 **SEC. 3. BROADBAND INVENTORY MAP.**

23 (a) ESTABLISHMENT.—To provide a comprehensive
24 nationwide inventory of existing broadband telecommuni-
25 cations capability and infrastructure, the Assistant Sec-

1 retery for Communications and Information of the De-
2 partment of Commerce and the NTLA shall develop and
3 maintain a map of the United States that identifies and
4 depicts the geographic extent to which broadband tele-
5 communication capability is, at any time, currently de-
6 ployed and publicly available throughout the entire United
7 States.

8 (b) STANDARD FOR DETERMINING EXTENT OF PUB-
9 LIC AVAILABILITY.—In determining whether broadband
10 telecommunications capability is deployed and publicly
11 available in an area for purposes of this section, the NTLA
12 shall use the same standards applicable under section 2
13 for determining whether broadband telecommunications
14 capability is deployed in an area.

15 (c) INFORMATION SHOWN.—The map established
16 pursuant to this section shall be capable of identifying and
17 depicting, nationwide, for each State, and for each county
18 or parish of each State—

19 (1) each area encompassed by a United States
20 postal zip code of 5 or 9 digit level, census tract
21 level, or functional equivalent, including—

22 (A) each provider of broadband tele-
23 communications capability within such area;
24 and

1 (B) each type of broadband telecommuni-
2 cations capability available within such area;
3 and

4 (2) each area encompassed by a United States
5 postal zip code of 5 or 9 digit level, census tract
6 level, or functional equivalent in which broadband
7 telecommunications capability is not deployed at that
8 time.

9 (d) CENSUS DATA USE ENCOURAGED.—The NTIA
10 shall seek to overlay demographic data obtained from
11 other sources in the Department of Commerce and else-
12 where for use with such map.

13 (e) PUBLIC AVAILABILITY AND INTERACTIVITY.—
14 The NTIA shall make the map established pursuant to
15 this section accessible by the public on a World Wide Web
16 site of the NTIA in a form that is interactive for users
17 and searchable by service provider and by each of the geo-
18 graphic areas specified in subsection (c).

19 (f) UPDATING.—The NTIA shall update the map es-
20 tablished under this section on a basis sufficient to ensure
21 that the information provided by the map is timely and
22 accurate.

23 (g) OBTAINING INFORMATION.—The NTIA shall re-
24 quest and obtain, from the Federal Communications Com-
25 mission, States and units of local government, broadband

1 telecommunications capability providers, and other appro-
2 priate persons and entities, such information as may be
3 necessary to carry out this section.

4 (h) PROTECTION OF INFORMATION.—Nothing in this
5 section shall reduce or remove any obligation the NTIA
6 has to protect proprietary information, nor shall this sec-
7 tion be construed to compel the NTIA to make publicly
8 available any proprietary information.

9 **SEC. 4. GRANTS TO STATES FOR BROADBAND MAP DEVEL-**
10 **OPMENT.**

11 (a) IN GENERAL.—The NTIA may, to the extent
12 amounts are made available pursuant to section 7(b) for
13 use under this section, make grants to States to assist
14 in providing the NTIA with information to facilitate the
15 development of the broadband inventory map required
16 under section 3.

17 (b) USE.—Amounts from a grant under this section
18 may be used only for costs involved in developing and ob-
19 taining information regarding the geographic extent of
20 broadband telecommunications capability deployment and
21 public availability necessary to provide the map required
22 under section 3.

23 (c) CONDITION.—As a condition of receipt of a grant
24 under this section, a State shall agree to provide to the

1 NTIA any information described in subsection (b) devel-
2 oped or obtained using such grant amounts.

3 (d) GRANT CRITERIA.—The NTIA shall select States
4 to receive grants under this section based upon criteria
5 that shall include—

6 (1) whether the entity requesting a grant is or-
7 ganized on a statewide basis and prepared to develop
8 data for use by NTIA on a timely basis;

9 (2) the extent to which financial support from
10 State or other sources is available to such entity to
11 fulfill the objectives of this Act; and

12 (3) whether the denial of such entity's grant re-
13 quest would result in the inability of such entity to
14 develop data for affected localities on a timely or
15 comprehensive basis and thwart the objectives of this
16 Act.

17 **SEC. 5. GRANTS FOR DEMAND-SIDE BROADBAND SERVICE**
18 **IDENTIFICATION AND ASSESSMENTS.**

19 (a) GRANT AUTHORITY.—From the amounts appro-
20 priated under section 7(c), the Secretary shall establish
21 a grant program to create and facilitate the establishment
22 and work of local technology planning entities that rep-
23 resent a broad cross-section of their community, including
24 representatives of business, telecommunications labor or-
25 ganizations, elementary and secondary education, health

1 care, libraries, higher education, community-based organi-
2 zations, and local government.

3 (b) STATE AUTHORITY REQUIRED.—The Secretary
4 may award grants to any such entity to the extent to
5 which such entity is designated by the State for such pur-
6 poses within their communities.

7 (c) USE OF FUNDS.—Grants awarded by the Sec-
8 retary under this section shall be used to assist a local
9 technology planning entity to—

10 (1) assess current broadband telecommuni-
11 cations use across relevant community sectors;

12 (2) set goals for improving or maximizing such
13 use within each sector;

14 (3) develop a plan for achieving its goals, with
15 specific recommendations for identifying and spur-
16 ring demand for such broadband technology;

17 (4) collaborate with providers of broadband
18 telecommunications capability and other high tech-
19 nology companies to encourage broadband deploy-
20 ment and use in unserved and underserved areas;

21 (5) identify local demand for broadband tele-
22 communications capability and aggregate such de-
23 mand;

1 (6) establish programs to improve computer
2 ownership and Internet access for unserved and un-
3 derserved populations; and

4 (7) facilitate information exchange regarding
5 the use and demand for broadband services between
6 public and private sectors.

7 **SEC. 6. BROADBAND SERVICE SURVEY.**

8 (a) **AUTHORITY.**—The Commission shall conduct
9 periodic surveys in urban, suburban, and rural areas of
10 broadband telecommunications capability in the large
11 business, small business, and residential consumer mar-
12 kets to determine the following:

13 (1) The prices charged for such capability.

14 (2) The advertised and the actual transmission
15 speeds of such capability for each provider surveyed.

16 (3) The type and extent of availability of such
17 capability.

18 (4) The applications and services most fre-
19 quently being used by consumers in conjunction with
20 broadband telecommunications capability, and the
21 broadband download and upload speeds necessary to
22 effectively and reliably send and receive such appli-
23 cations and services.

24 (b) **ACCESS TO RECORDS.**—For purposes of a survey
25 under this section, the Commission may inspect such

1 books, documents, papers, and records of a provider of
2 broadband telecommunications capability as may be nec-
3 essary to make the determinations required by subsection
4 (a).

5 (c) PUBLIC AVAILABILITY.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Commission shall make publicly available the re-
8 sults of each survey conducted under this section at
9 least once a year.

10 (2) PROTECTION OF INFORMATION.—Nothing
11 in this section shall reduce or remove any obligation
12 the Commission has to protect proprietary informa-
13 tion, nor shall this section be construed to compel
14 the Commission to make publicly available any pro-
15 prietary information.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out this Act—

19 (1) \$12,000,000 for fiscal year 2008;

20 (2) \$12,000,000 for fiscal year 2009; and

21 (3) \$12,000,000 for fiscal year 2010.

22 (b) BROADBAND MAP INFORMATION DEVELOPMENT
23 GRANTS.—Of any amounts appropriated in each fiscal
24 year pursuant to subsection (a), not less than \$8,000,000
25 shall be available only for grants under section 4.

1 (c) LOCAL TECHNOLOGY PLANNING GRANTS.—In
2 addition to the amount appropriated under subsection (a),
3 there is authorized to be appropriated to make grants
4 under section 5—

- 5 (1) \$50,000,000 for fiscal year 2008;
6 (2) \$100,000,000 for fiscal year 2009; and
7 (3) \$150,000,000 for fiscal year 2010.

8 **SEC. 8. DEFINITIONS.**

9 For purposes of this Act, the following definitions
10 shall apply:

11 (1) COMMISSION.—The term “Commission”
12 means the Federal Communications Commission.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 (3) NTIA.—The term “NTIA” means the Na-
16 tional Telecommunications and Information Admin-
17 istration of the Department of Commerce.

18 (4) STATE.—The term “State” means the
19 States of the United States, the District of Colum-
20 bia, the Commonwealth of Puerto Rico, Guam, the
21 Virgin Islands, American Samoa, the Northern Mar-
22 iana Islands, and any other territory and possession
23 of the United States.

24 (5) BROADBAND TELECOMMUNICATIONS CAPA-
25 BILITY.—The term “broadband telecommunications

1 capability” means a switched, digital service that en-
2 ables users to send and receive voice, video, data,
3 graphics, or a combination, without regard to any
4 transmission media or technology.