119TH CONGRESS
2D SESSION

S. _____

To provide for certain maps relating to the availability of broadband service and funding for broadband infrastructure deployment to be consolidated into a single online mapping tool, to provide for certain improvements with respect to broadband mapping data, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for certain maps relating to the availability of broadband service and funding for broadband infrastructure deployment to be consolidated into a single online mapping tool, to provide for certain improvements with respect to broadband mapping data, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Provide Rigorous Oversight To Optimize Connectivity and Offset Latency Act'' or the ''PROTOCOL Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' has the meaning given such term in section 60105(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704(a)).

(3) BROADBAND SERVICE.—The term ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation).

(4) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(5) COVERED FEDERAL AWARD.—The term ''covered Federal award'' means any award made under a covered Federal program, to the extent such award provides funding for broadband infrastructure deployment.

(6) COVERED FEDERAL PROGRAM.—The term ''covered Federal program'' means any of the following:

(A) A Federal broadband support program.

(B) A Universal Service Fund Program.

(7) ENFORCEABLE DEPLOYMENT OBLIGATION.—The term ''enforceable deployment obligation'' means, with respect to a provider of broadband service, a legal requirement for such provider to deploy broadband infrastructure as a result of such provider—

(A) receiving or having a binding commitment to receive funding from a Federal agency to deploy broadband infrastructure to a specific and clearly identified geographic area;

(B) being subject to a mandate enforced by a Federal agency to deploy broadband infrastructure to a specific geographic area or specific number or group of households in a geographic area; or

(C) having made a binding commitment to a Federal agency that resolves a matter under consideration by such agency.

(8) FCC NATIONAL BROADBAND MAP.—The term ''FCC National Broadband Map'' means the online mapping tool described in section 3(a).

(9) FEDERAL BROADBAND SUPPORT PROGRAM.—The term ''Federal broadband support program'' has the meaning given such term in section

903(g) of the ACCESS BROADBAND Act (47 U.S.C. 1307(g)).

(10) STATE.—The term ''State'' means each State of the United States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

(11) UNIVERSAL SERVICE FUND PROGRAM.—The term ''Universal Service Fund Program'' has the meaning given such term in section 903(g) of the ACCESS BROADBAND Act (47 U.S.C. 1307(g)).

SEC. 3. FCC NATIONAL BROADBAND MAP.

(a) SINGLE ONLINE MAPPING TOOL.—The Commission shall consolidate the maps described in subsection (b) into a single online mapping tool, to be known as the ''FCC National Broadband Map'', and make such tool publicly available on the website of the Commission.

(b) MAPS DESCRIBED.—The maps described in this subsection are the following:

(1) The maps created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).

(2) The Deployment Locations Map established under section 60105 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704).

(c) DATA FROM NTIA DATABASE.—Section 903(c)(2)(A) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(A)) is amended—

(1) by striking ''The Office'' and inserting the following:

''(i) IN GENERAL.—The Office''; and

(2) by adding at the end the following:

''(ii) DATA ELEMENTS.—

''(I) FEDERAL SUPPORT.—For any Federal broadband support program or Universal Service Fund Program that provides support for broadband infrastructure deployment, the database required by clause (i) shall include the data described in paragraphs (2) and (3) of section 60105(d) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704(d)).

''(II) STATE AND TRIBAL SUPPORT.—The database required by clause (i) shall include the data in the reports transmitted under section 5(c) of the PROTOCOL Act.

"(iii) AVAILABILITY TO COMMISSION.—The Office shall make available to the Commission the data in the database required by clause (i).".

(d) ELIMINATION OF NTIA BROADBAND MAPS.—

(1) IN GENERAL.—The National Telecommunications and Information Administration may not maintain any publicly available mapping tool relating to the availability or deployment of or government funding for broadband service or broadband infrastructure.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the Assistant Secretary from maintaining any mapping tool relating to the availability or deployment of or government funding for broadband service or broadband infrastructure—

(A) for internal use; or

(B) to carry out subsection (e)(2)(B).

(e) NTIA RESPONSIBILITY FOR COLLECTION OF DATA FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 60105 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704) is amended—

(A) in subsection (b), by striking ", in consultation with all relevant Federal agencies,";

(B) in subsection (d)(1), in the matter preceding subparagraph (A), by striking "to the Commission" and inserting "under section 903(c)(2)(B) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(B))"; and

(C) in subsection (e)—

(i) in paragraph (1), by striking "relevant Federal agencies" and inserting "the Assistant Secretary of Commerce for Communications and Information";

(ii) by striking paragraph (2); and

(iii) by striking "PERIODIC UPDATES" and all that follows through "The Commission" and inserting "PERIODIC UPDATES.—The Commission".

(2) BROADBAND SERVICEABLE LOCATION FABRIC.—

(A) AVAILABILITY TO NTIA.—The Commission shall make available to the Assistant Secretary the Broadband Serviceable Location Fabric established under section 802(b)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(b)(1)(B)) for purposes of enabling the As-

sistant Secretary to carry out subparagraph (B) of this paragraph.

(B) AVAILABILITY TO OTHER FEDERAL AGENCIES, STATES, AND INDIAN TRIBES.—The Assistant Secretary shall make available the Broadband Serviceable Location Fabric established under section 802(b)(1)(B) of the Communications Act of 1934 (47 U.S.C. 642(b)(1)(B)), subject to applicable licensing terms and protections for confidential or proprietary information—

(i) to other Federal agencies for use in preparing and submitting data under section 903(c)(2)(B) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(B)); and

(ii) to States and federally recognized Indian Tribes for use in preparing and submitting data under section 5(c).

(f) REQUIRED USE OF FCC NATIONAL BROADBAND MAP BY FEDERAL AGENCIES.—Each Federal agency providing funding for broadband infrastructure deployment shall use the FCC National Broadband Map in making an award of any such funding to determine whether a location should be eligible for such award based on whether

broadband service is available or an enforceable deployment obligation is reported at such location.

(g) OUTREACH BY NTIA.—The Assistant Secretary shall conduct outreach to each Federal agency providing funding for broadband infrastructure deployment or imposing an enforceable deployment obligation on a provider of broadband service to ensure that such agency is aware of—

(1) the requirements of section 903(c)(2)(B) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(B)) and section 4(a) of this Act to report relevant data; and

(2) the requirement of subsection (f) of this section to use the FCC National Broadband Map in making an award of such funding.

SEC. 4. MAPPING ENFORCEABLE DEPLOYMENT OBLIGATIONS.

(a) REPORTING BY FEDERAL AGENCIES TO NTIA.—If a Federal agency imposes an enforceable deployment obligation on a provider of broadband service, such agency shall, on a biannual basis, submit to the Assistant Secretary a report that—

(1) lists each such provider and each geographic area (and each location within such geographic area) where such provider is subject to such an obligation;

(2) describes whether, as of the date of such report, such provider has deployed the broadband infrastructure required by such obligation; and

(3) to the extent available to such agency and applicable to such obligation, includes—

(A) the title of the program under which such obligation is imposed;

(B) the network type of the broadband infrastructure that will be deployed, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;

(C) whether such provider is—

(i) a private, for-profit entity;

(ii) a nonprofit organization;

(iii) a public-private partnership;

(iv) a public utility;

(v) a private utility;

(vi) a public utility district;

(vii) a government entity;

(viii) a cooperative;

(ix) a Tribal entity; or

(x) a type of entity not listed in clauses (i) through (ix);

(D) the amount of any Federal funding awarded;

(E) whether any non-Federal matching funds or in-kind contributions were contributed, and, if so, the amount of such funds or contributions;

(F) the timeline of the project, including the dates (or anticipated dates) of the beginning and ending of the project; and

(G) any minimum required download and upload speeds specified under the obligation.

(b) INCORPORATION INTO FCC NATIONAL BROADBAND MAP.—

(1) AVAILABILITY TO COMMISSION.—The Assistant Secretary shall, on at least a biannual basis, make available to the Commission—

(A) the information reported under subsection (a); and

(B) with respect to any enforceable deployment obligation imposed by the Assistant Secretary, the information described in paragraphs (1) through (3) of such subsection.

(2) INCORPORATION INTO MAP.—The Commission shall incorporate the information made available under paragraph (1) into the FCC National Broadband Map.

(c) LIMITATION.—Neither a Federal agency nor the Assistant Secretary may, for purposes of carrying out this section or section 903(c)(2)(B) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(B)), require a provider of broadband service to submit any information not required to be submitted to such agency or the Assistant Secretary by such provider pursuant to an enforceable deployment obligation or other award of funding for broadband infrastructure deployment.

SEC. 5. IMPROVEMENTS TO MAPPING DATA.

(a) ADDITIONAL DATA ELEMENTS.—Section 60105(d) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704(d)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by at least—

''(A) the Federal agency of jurisdiction;

''(B) the program title;

''(C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;

"(D) the name of the entity receiving funding to deploy the broadband infrastructure;

"(E) whether the entity receiving funding to deploy the broadband infrastructure is—

"(i) a private, for-profit entity;

"(ii) a nonprofit organization;

"(iii) a public-private partnership;

"(iv) a public utility;

"(v) a private utility;

"(vi) a public utility district;

"(vii) a government entity;

"(viii) a cooperative;

"(ix) a Tribal entity; or

"(x) a type of entity not listed in clauses (i) through (ix);

"(F) the amount of Federal funding awarded;

"(G) whether any non-Federal matching funds or in-kind contributions were contributed, and, if so, the amount of such funds or contributions;

"(H) the timeline of the project, including the dates (or anticipated dates) of the beginning and ending of the project;

''(I) the total number of locations to which the project makes or will make broadband service available; and

''(J) the minimum required download and upload speeds specified under the program;'';

(2) in paragraph (4)—

(A) by striking ''the Broadband Map'' and inserting ''the maps''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) incorporates the data in the database maintained under section 903(c)(2)(A)(i) of the ACCESS BROADBAND Act (47 U.S.C. 1307(c)(2)(A)(i)).''.

(b) DEFINITIONS OF FEDERAL BROADBAND SUPPORT PROGRAM AND BROADBAND INFRASTRUCTURE.—

(1) IN GENERAL.—Section 903(g) of the ACCESS BROADBAND Act (47 U.S.C. 1307(g)) is amended—

(A) in paragraph (4), by adding at the end the following:

''(H) The Broadband Equity, Access, and Deployment Program established under section

60102 of the Infrastructure Investment and Jobs Act (47 U.S.C. 1702).'';

(B) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(C) by inserting after paragraph (2) the following:

''(3) BROADBAND INFRASTRUCTURE.—The term 'broadband infrastructure' has the meaning given such term in section 60105(a) of the Infrastructure Investment and Jobs Act (47 U.S.C. 1704(a)).''.

(2) CONFORMING AMENDMENTS.—Section 903 of the ACCESS BROADBAND Act (47 U.S.C. 1307) is amended—

(A) by striking ''broadband deployment'' each place it appears and inserting ''broadband infrastructure deployment''; and

(B) in paragraph (8) (as redesignated by this subsection) of subsection (g), by striking ''broadband'' and inserting ''broadband infrastructure''.

(c) STATE AND TRIBAL REPORTING.—

(1) DATA RELATING TO FEDERAL PROGRAMS.—Not later than 1 year after the date of the enact-

ment of this Act, and annually thereafter, the Assistant Secretary shall transmit to each State and federally recognized Indian Tribe a request for the State or Indian Tribe to submit to the Assistant Secretary a report, with respect to the 1-year period immediately preceding the report date, that—

(A) lists the locations at which broadband service was made available using broadband infrastructure deployed with funding provided under any covered Federal award received by the State or Indian Tribe; and

(B) lists any subgrants or other awards made by the State or Indian Tribe to other entities of funding provided through a covered Federal award received by the State or Indian Tribe, and the locations at which broadband service will be made available using broadband infrastructure deployed with such funding.

(2) DATA RELATING TO STATE AND TRIBAL PROGRAMS.—In requesting a State or federally recognized Indian Tribe to submit a report under paragraph (1), the Assistant Secretary shall request the State or Indian Tribe to include in the report, with respect to the 1-year period immediately preceding the report date—

(A) a list of the locations at which broadband service was made available using broadband infrastructure deployed with funding provided through a program established by the State or Indian Tribe; and

(B) a list of any awards of funding for the deployment of broadband infrastructure made by the State or Indian Tribe through a program established by the State or Indian Tribe, and the locations at which broadband service will be made available using broadband infrastructure deployed with such funding.

SEC. 6. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than 18 months after the date on which the Commission makes the FCC National Broadband Map publicly available as required by section 3(a), the Comptroller General of the United States shall conduct a review of—

(1) the accuracy and effectiveness of the FCC National Broadband Map in identifying broadband service availability and the allocation of covered Federal awards; and

(2) the extent to which there is any duplication, discrepancy, or inefficiency in the allocation of covered Federal awards.

(b) CONTENTS.—In conducting the review required by subsection (a), the Comptroller General shall examine the following:

(1) The extent to which locations identified on the FCC National Broadband Map have received a covered Federal award from more than 1 covered Federal program.

(2) Instances in which covered Federal awards have been allocated to locations that already have at least 1 provider offering broadband service that meets or exceeds the minimum required download and upload speeds under the relevant covered Federal program.

(c) REPORT REQUIRED.—Not later than 2 years after the date on which the Commission makes the FCC National Broadband Map publicly available as required by section 3(a), the Comptroller General shall submit to Congress a report that contains the following:

(1) The findings of the review required by subsection (a).

(2) A description of any discrepancies or inefficiencies identified in the allocation of covered Federal awards.

(3) Recommendations to improve the coordination, transparency, and accuracy of Federal efforts

with respect to the funding of broadband infrastructure deployment.