

**[DISCUSSION DRAFT]**110TH CONGRESS  
1ST SESSION**H. R.** \_\_\_\_\_

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. MARKEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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.**

8 (a) DEFINITION OF HIGH-SPEED TRANSMISSION.—

9 Subsection (c) of section 706 of the Telecommunications

1 Act of 1996 (47 U.S.C. 157 note) is amended by adding  
2 at the end the following:

3 “(3) HIGH-SPEED.—The term ‘high-speed’,  
4 with respect to advanced telecommunications capa-  
5 bility, means transmission at speeds allowing the  
6 user to download not less than 2 megabits per sec-  
7 ond and upload not less than 1 megabit per sec-  
8 ond.”.

9 (b) MEASUREMENT OF EXTENT OF DEPLOYMENT.—  
10 Section 706 of the Telecommunications Act of 1996 (47  
11 U.S.C. 157 note), as amended by subsection (a), is further  
12 amended—

13 (1) by redesignating subsection (c) as sub-  
14 section (e); and

15 (2) by inserting after subsection (b) the fol-  
16 lowing:

17 “(c) MEASUREMENT OF EXTENT OF DEPLOY-  
18 MENT.—In determining whether advanced telecommuni-  
19 cations capability has been deployed to an area, or to an  
20 individual or entity in an area, for purposes of the inquiry  
21 required by subsection (b), the Commission shall not con-  
22 sider any such capability or deployment outside the  
23 bounds of the United States postal zip code of 9 digits  
24 encompassing such area, except in instances where such

1 9-digit zip code solely represents a single household or  
2 post office box.

3 “(d) INTERNATIONAL COMPARISON.—

4 “(1) INTERNATIONAL COMPARISON.—As part of  
5 the inquiry required under subsection (b), the Com-  
6 mission shall include information comparing the ex-  
7 tent of advanced telecommunications capability (in-  
8 cluding broadband deployment, broadband speed,  
9 and price for broadband service) in 75 communities  
10 in at least 25 countries abroad.

11 “(2) CONTENTS.—The Commission shall in-  
12 clude in the comparison under this subsection—

13 “(A) a geographically diverse selection of  
14 countries; and

15 “(B) communities including the capital cit-  
16 ies of such countries.”.

17 **SEC. 3. BROADBAND INVENTORY MAP.**

18 (a) ESTABLISHMENT.—To provide a comprehensive  
19 nationwide inventory of existing broadband service and in-  
20 frastructure, the Assistant Secretary for Communications  
21 and Information of the Department of Commerce and the  
22 NTIA shall develop and maintain a map of the United  
23 States that identifies and depicts the geographic extent  
24 to which broadband service is, at any time, currently de-

1 ployed and publicly available throughout the entire United  
2 States.

3 (b) STANDARD FOR DETERMINING EXTENT OF PUB-  
4 LIC AVAILABILITY.—In determining whether broadband  
5 service is deployed and publicly available in an area for  
6 purposes of this section, the NTIA shall use the same  
7 standards applicable under section 706 of the Tele-  
8 communications Act of 1996 (47 U.S.C. 157 note), as  
9 amended by section 2 of this Act, for determining whether  
10 advanced telecommunications capability is deployed in an  
11 area.

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

16 (1) each area encompassed by a United States  
17 postal zip code of 9 digits (except in instances where  
18 such zip code represents a single residence or post  
19 office box) in which broadband service is deployed at  
20 that time, including—

21 (A) each provider of broadband service  
22 within such area; and

23 (B) each type of broadband service avail-  
24 able within such area; and

1           (2) each area encompassed by a United States  
2           postal zip code of 9 digits (except in instances where  
3           such zip code represents a single residence or post  
4           office box) in which broadband service is not de-  
5           ployed at that time.

6           (d) PUBLIC AVAILABILITY AND INTERACTIVITY.—  
7           The NTIA shall make the map established pursuant to  
8           this section accessible by the public on a World Wide Web  
9           site of the NTIA in a form that is interactive for users  
10          and searchable by service provider and by each of the geo-  
11          graphic areas specified in subsection (c).

12          (e) UPDATING.—The NTIA shall update the map es-  
13          tablished under this section on a basis sufficient to ensure  
14          that the information provided by the map is timely and  
15          accurate.

16          (f) OBTAINING INFORMATION.—The NTIA shall re-  
17          quest and obtain, from the Federal Communications Com-  
18          mission, States and units of local government, broadband  
19          service providers, and other appropriate persons and enti-  
20          ties, such information as may be necessary to carry out  
21          this section.

22          (g) PROTECTION OF INFORMATION.—This section  
23          may not be construed to authorize or require the NTIA  
24          to make publicly available any proprietary information.

1 **SEC. 4. GRANTS TO STATES AND COMMUNITIES FOR**  
2 **BROADBAND MAP DEVELOPMENT.**

3 (a) **IN GENERAL.**—The NTIA may, to the extent  
4 amounts are made available pursuant to section 6(b) for  
5 use under this section, make grants to States and units  
6 of local government to assist in providing the NTIA with  
7 information to facilitate the development of the broadband  
8 inventory map required under section 3.

9 (b) **USE.**—Amounts from a grant under this section  
10 may be used only for costs involved in developing and ob-  
11 taining information regarding the geographic extent of  
12 broadband services deployment and public availability nec-  
13 essary to provide the map required under section 3.

14 (c) **CONDITION.**—As a condition of receipt of a grant  
15 under this section, a State or unit of local government  
16 shall agree to provide to the NTIA any information de-  
17 scribed in subsection (b) developed or obtained using such  
18 grant amounts.

19 (d) **GRANT CRITERIA.**—The NTIA shall select States  
20 and units of local government to receive grants under this  
21 section based upon criteria that shall include—

22 (1) the extent to which the entity requesting a  
23 grant is organized and prepared to develop data for  
24 use by NTIA on a timely basis;

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

4           (3) whether the denial of such entity's grant re-  
5           quest would result in the inability of such entity to  
6           develop data for affected localities and thwart the  
7           objectives of this Act.

8   **SEC. 5. BROADBAND SERVICE SURVEY.**

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

14                 (1) The prices charged for such service.

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

17                 (3) The type and extent of availability of such  
18          service.

19           (b) **ACCESS TO RECORDS.**—For purposes of a survey  
20          under this section, the Federal Communications Commis-  
21          sion may inspect such books, documents, papers, and  
22          records of a provider of broadband service as may be nec-  
23          essary to make the determinations required by subsection  
24          (a).

25           (c) **PUBLIC AVAILABILITY.**—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the Federal Communications Commission shall make  
3           publicly available the results of each survey con-  
4           ducted under this section at least once a year.

5           (2) RESTRICTION.—This section does not au-  
6           thorize or require the Federal Communications Com-  
7           mission to make publicly available any proprietary  
8           information.

9   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

10          (a) IN GENERAL.—There is authorized to be appro-  
11          priated to carry out this Act (other than the amendments  
12          made by section 2)—

13                 (1) \$12,000,000 for fiscal year 2008;

14                 (2) \$12,000,000 for fiscal year 2009; and

15                 (3) \$12,000,000 for fiscal year 2010.

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

20   **SEC. 7. DEFINITIONS.**

21          For purposes of this Act, the following definitions  
22          shall apply:

23                 (1) BROADBAND SERVICE.—The term  
24                 “broadband service” means advanced telecommuni-  
25                 cations capability (as defined in section 706 of the

1       Telecommunications Act of 1996 (47 U.S.C. 157  
2       note).

3           (2) NTIA.—The term “NTIA” means the Na-  
4       tional Telecommunications and Information Admin-  
5       istration of the Department of Commerce.

6           (3) STATE.—The term “State” means the  
7       States of the United States, the District of Colum-  
8       bia, the Commonwealth of Puerto Rico, Guam, the  
9       Virgin Islands, American Samoa, the Northern Mar-  
10      iana Islands, and any other territory and possession  
11      of the United States.

12          (4) UNIT OF LOCAL GOVERNMENT.—The term  
13      “unit of local government” means a city, county,  
14      town, township, parish, village, or any other general  
15      or special purpose political subdivision of a State.