

116TH CONGRESS  
1ST SESSION

# S. 3093

To improve the collection of broadband speed data by the Federal Communications Commission in order to support the effective deployment of broadband services to all areas in the United States, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2019

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To improve the collection of broadband speed data by the Federal Communications Commission in order to support the effective deployment of broadband services to all areas in 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 Speed  
5       Act”.

6       **SEC. 2. BROADBAND SPEED TEST.**

7       (a) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service”—

3 (A) means a mass-market retail service by  
4 wire or radio that provides the capability to  
5 transmit data to and receive data from all or  
6 substantially all internet endpoints, including  
7 any capabilities that are incidental to and en-  
8 able the operation of the communications serv-  
9 ice;

10 (B) includes any service that the Commis-  
11 sion finds to be providing a functional equiva-  
12 lent of the service described in subparagraph  
13 (A); and

14 (C) does not include dial-up internet serv-  
15 ice.

16 (2) COMMISSION.—The term “Commission”  
17 means the Federal Communications Commission.

18 (b) REGULATIONS REQUIRED.—Not later than 180  
19 days after the date of enactment of this Act, the Commis-  
20 sion shall issue a rule that—

21 (1) establishes an annual reporting requirement  
22 under which each provider of broadband internet ac-  
23 cess service shall submit to the Commission a report  
24 on broadband speed data based on a reasonable  
25 sample that is captured to demonstrate that the pro-

1 vider is capable of performing at the speed reported  
2 to the Commission on Form 477 or any successor  
3 report;

4 (2) establishes a fine for any provider that is  
5 found under paragraph (1) to have willfully or know-  
6 ingly provided false data about the speeds offered;  
7 and

8 (3) to minimize duplication, incorporates any  
9 other requirements issued by the Commission relat-  
10 ing to reporting on broadband speed data.

11 (c) BROADBAND SPEED REQUIREMENT FOR INFRA-  
12 STRUCTURE FUNDING.—Any broadband infrastructure  
13 that is built with funding awarded on or after the date  
14 of enactment of this Act from the Federal universal service  
15 support programs established under section 254 of the  
16 Communications Act of 1934 (47 U.S.C. 254) shall pro-  
17 vide broadband internet access service with a download  
18 speed of not less than 100 megabits per second.

○