

Broadband Mapping Bill, Containing Child Internet Protection Amendments, Now In Effect

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On October 10, President Bush signed into law the "Broadband Data Improvement Act," designed to improve broadband data collection and promote the deployment of affordable broadband services. The Act imposes additional broadband fact-gathering and reporting obligations on the FCC as well as on the Census Bureau, the GAO, and the SBA, and establishes a Commerce Department grant program to develop statewide initiatives to identify barriers to broadband adoption. The Act also includes provisions of the "Protecting Children in the 21st Century Act" that, in part, create a new public awareness campaign on Internet use by children.

How Does The Act Affect Cable, Telecom and Other Internet Service Providers?

The bill does not directly impose any new reporting requirements on online service providers. However, the new detailed reports that the FCC and state agencies are directed to prepare are likely to lead to additional FCC requests for information from providers. Anticipating that result, the Act reaffirms the FCC's obligation to protect proprietary data submitted by ISPs.

FCC Reports Now More Detailed; GAO, SBA Have New Broadband-Related Duties

The Act expands the FCC's congressional reporting obligations under section 706 of the Telecommunications Act of 1996. It requires the FCC to file annual reports with Congress that list geographic areas not served by any provider of advanced telecommunications capability and provide detailed information on those areas, including the population, population density, and average per capita income. The FCC also must provide data comparing the extent of broadband capability in 75 communities in at least 25 other countries that the FCC deems comparable to various U.S. communities.

Separately, the FCC is also required to conduct new surveys of business and residential consumers in urban, suburban and rural areas that determine, among other things:

- the type and cost of broadband services available, and their data transmission speeds;
- the types of broadband applications used by consumers; and,
- for those who do not subscribe to broadband, the reasons why.

The Act also imposes a host of new broadband-related study requirements. The Secretary of Commerce, in consultation with the FCC, must expand the Census Bureau survey to elicit information on whether residents of U.S. households own or use computers, and subscribe to dial-up or broadband Internet service. GAO must study and report to Congress on "broadband metrics and standards" that could be used to provide users with more accurate information about the cost and capability of their broadband connection, and compare U.S. broadband deployment and penetration with that of other countries. SBA must study and report on the impact of broadband speed and prices on small businesses.

Funding for State Broadband Initiatives

The Act also encourages initiatives at the state level, and establishes a Commerce Department funding program for grants to eligible entities, including non-profits, State agencies or municipalities, to conduct state, county and regional analyses to assist in increasing statewide broadband use.

Internet Safety Provisions

Title II of the Act, originally introduced as stand-alone legislation, requires the FTC to carry out a nationwide program to direct national consumer Internet safety education efforts, including increased public awareness of the strategies necessary to promote safe use of the Internet by children.

NTIA is directed to establish an "Online Safety and Technology" working group to evaluate and report to Congress on the status and effectiveness of:

- voluntary industry online consumer safety education efforts;
- industry efforts to report apparent child pornography (including any obstacles to reporting);
- industry record retention practices, and
- technologies to help parents shield children from inappropriate online content.

Schools receiving Schools and Libraries Universal Service ("E-Rate") Funds must certify they are educating minors about appropriate online behavior, including on social networking websites, and about cyberbullying awareness and response.

Please contact us if you have questions about either the Broadband or Internet Safety provisions of the Act.

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