

BROADBAND TRANSPARENCY RULES

Pub. L. 117-58, div. F, title V, § 60502(c), Nov. 15, 2021, 135 Stat. 1243, provided that:

“(1) RULES.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the [Federal Communications] Commission shall issue final rules regarding the annual collection by the Commission of data relating to the price and subscription rates of each internet service offering of a participating provider under the Affordable Connectivity Program established under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1752] (as amended by this section) to which an eligible household subscribes.

“(2) UPDATES.—Not later than 180 days after the date on which rules are issued under paragraph (1), and when determined to be necessary by the Commission thereafter, the Commission shall revise the rules to verify the accuracy of data submitted pursuant to the rules.

“(3) REDUNDANCY AVOIDANCE.—Nothing in this subsection shall be construed to require the Commission, in order to meet a requirement of this subsection, to duplicate an activity that the Commission is undertaking as of the date of enactment of this Act, if—

“(A) the Commission refers to the activity in the rules issued under paragraph (1);

“(B) the activity meets the requirements of this subsection; and

“(C) the Commission discloses the activity to the public.

“(4) AVAILABILITY OF DATA.—

“(A) PUBLIC AVAILABILITY.—The Commission shall make data relating to broadband internet access service collected under the rules issued under paragraph (1) available to the public in a commonly used electronic format without risking the disclosure of personally identifiable information or proprietary information, consistent with section 0.459 of title 47, Code of Federal Regulations (or any successor regulation).

“(B) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Commission—

“(i) shall define the term ‘personally identifiable information’, for purposes of subparagraph (A) through notice and comment rulemaking; and

“(ii) may not make any data available to the public under subparagraph (A) before completing the rulemaking under clause (i) of this subparagraph.”

[For definition of “broadband internet access service” as used in section 60502(c) of Pub. L. 117-58, set out above, see section 1751 of this title.]

GUIDANCE

Pub. L. 117-58, div. F, title V, § 60502(d), Nov. 15, 2021, 135 Stat. 1243, provided that: “The [Federal Communications] Commission may issue such guidance, forms, instructions, or publications, or provide such technical assistance, as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section [amending this section and enacting provisions set out as notes under this section] and the amendments made by this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.”

COORDINATION

Pub. L. 117-58, div. F, title V, § 60502(e), Nov. 15, 2021, 135 Stat. 1243, provided that: “The Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services shall—

“(1) not later than 60 days after the date of enactment of this Act [Nov. 15, 2021], enter into a memorandum of understanding with the Universal Service Administrative Company to provide for the expeditious sharing of data through the National Verifier (as that term is defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation), or any successor system, for the purposes of verifying consumer eligibility for the program estab-

lished under section 904 of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260) [47 U.S.C. 1752], as amended by this section; and

“(2) not later than 90 days after the date of enactment of this Act, begin to share data under the memorandum of understanding described in paragraph (1) for the purposes described in that paragraph.”

§ 1753. Adoption of consumer broadband labels

(a) Final rule

Not later than 1 year after November 15, 2021, the Commission shall promulgate regulations to require the display of broadband consumer labels, as described in the Public Notice of the Commission issued on April 4, 2016 (DA 16-357), to disclose to consumers information regarding broadband internet access service plans.

(b) Introductory rate information

(1) In general

The broadband consumer label required under subsection (a) shall also include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.

(2) Use in broadband data collection

The Commission shall rely on the price information displayed on the broadband consumer label required under subsection (a) for any collection of data relating to the price and subscription rates of each covered broadband internet access service under section 60502(c).

(c) Hearings

In issuing the final rule under subsection (a), the Commission shall conduct a series of public hearings to assess, at the time of the proceeding—

(1) how consumers evaluate broadband internet access service plans; and

(2) whether disclosures to consumers of information regarding broadband internet access service plans, including the disclosures required under section 8.1 of title 47, Code of Federal Regulations, are available, effective, and sufficient.

(Pub. L. 117-58, div. F, title V, § 60504, Nov. 15, 2021, 135 Stat. 1244.)

Editorial Notes

REFERENCES IN TEXT

Section 60502(c), referred to in subsec. (b)(2), is section 60502(c) of Pub. L. 117-58, which is set out as a note under section 1752 of this title.

§ 1754. Digital discrimination

(a) Statement of policy

It is the policy of the United States that, insofar as technically and economically feasible—

(1) subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service;

(2) the term “equal access”, for purposes of this section, means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and

other quality of service metrics in a given area, for comparable terms and conditions; and

(3) the Commission should take steps to ensure that all people of the United States benefit from equal access to broadband internet access service.

(b) Adoption of rules

Not later than 2 years after November 15, 2021, the Commission shall adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective, including—

(1) preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin; and

(2) identifying necessary steps for the Commissions to take to eliminate discrimination described in paragraph (1).

(c) Federal policies

The Commission and the Attorney General shall ensure that Federal policies promote equal access to robust broadband internet access serv-

ice by prohibiting deployment discrimination based on—

(1) the income level of an area;

(2) the predominant race or ethnicity composition of an area; or

(3) other factors the Commission determines to be relevant based on the findings in the record developed from the rulemaking under subsection (b).

(d) Model State and local policies

The Commission shall develop model policies and best practices that can be adopted by States and localities to ensure that broadband internet access service providers do not engage in digital discrimination.

(e) Complaints

The Commission shall revise its public complaint process to accept complaints from consumers or other members of the public that relate to digital discrimination.

(Pub. L. 117-58, div. F, title V, §60506, Nov. 15, 2021, 135 Stat. 1245.)