

rules and pass the bill, H.R. 1534, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes."

A motion to reconsider was laid on the table.

## 911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E-911 access to those with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3403

*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 "911 Modernization and Public Safety Act of 2007".

### TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

#### SEC. 101. DUTY TO PROVIDE 911 AND E-911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

#### "SEC. 6. DUTY TO PROVIDE 911 AND E-911 SERVICE.

"(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 911 service and E-911 service to its subscribers in accordance with the requirements of the Federal Communications Commission (in this section referred to as the 'Commission'), as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007 and as such requirements may be modified by the Commission from time to time.

"(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities from an entity with ownership or control over such capabilities to comply with its obligations under subsection (a) shall, for the exclusive purpose of complying with such obligations, have the same rights, including rights of interconnection, and on the same rates, terms, and conditions, as apply to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

"(c) REGULATIONS.—The Commission—

"(1) within 90 days after the date of enactment of the 911 Modernization and Public Safety Act of 2007, shall issue regulations implementing such Act, including regulations that—

"(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

"(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

"(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider; and

"(2) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

"(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

"(e) IMPLEMENTATION.—

"(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technology standard.

"(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

"(f) STATE AUTHORITY OVER FEES.—

"(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the 911 Modernization and Public Safety Act of 2007, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, or Indian tribe for the support or implementation of 911 or E-911 services, provided that the fee or charge is obligated or expended only in support of 911 and E-911 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

"(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of fees for the support or implementation of 911 or E-911 services, the Commission shall submit a report within 1 year after the date of enactment of the 911 Modernization and Public Safety Act of 2007, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of 911 fees, and including findings on the amount of revenues obligated or expended by each State or political subdivi-

sion thereof for any purpose other than the purpose for which any fee or charges are presented.

"(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 911 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

"(h) RULE OF CONSTRUCTION.—Nothing in the 911 Modernization and Public Safety Act of 2007 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the rules adopted in the Commission's First Report and Order in WC Docket Nos. 04-36 and 05-196, as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007, except as such rules may be modified by the Commission from time to time.";

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3)."

#### SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: "and for migration to an IP-enabled emergency network";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of the enactment of the 911 Modernization and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) include a proposed timetable, an outline of costs, and potential savings;

"(D) provide specific legislative language, if necessary, for achieving the plan;

"(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

"(F) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the 911 Modernization and Public Safety Act of 2007;

"(G) identify solutions for providing 911 and E-911 access to those with disabilities

and needed steps to implement such solutions, including a recommended timeline; and

“(H) analyze efforts to provide automatic location for E-911 purposes and recommendations on regulatory or legislative changes that are necessary to achieve automatic location for E-911 purposes.

“(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.”.

#### SEC. 103. TECHNICAL AMENDMENTS.

Section 3011(b) of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 47 U.S.C. 309 note), and section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) are each amended by striking “the 911 Modernization Act” and inserting “the 911 Modernization and Public Safety Act of 2007”.

#### TITLE II—PARITY OF PROTECTION

##### SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking “**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE**” in the section heading and inserting “**SERVICE PROVIDER PARITY OF PROTECTION**”;

(2) in subsection (a)—

(A) by striking “wireless carrier,” and inserting “wireless carrier, IP-enabled voice service provider, or other emergency communications provider,”;

(B) by striking “its officers” the first place it appears and inserting “their officers”;

(C) by striking “emergency calls or emergency services” and inserting “emergency calls, emergency services, or other emergency communications services”;

(3) in subsection (b)—

(A) by striking “using wireless 9-1-1 service shall” and inserting “using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall”; and

(B) by striking “that is not wireless” and inserting “that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service”; and

(4) in subsection (c)—

(A) by striking “wireless 9-1-1 communications, a PSAP” and inserting “9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP”; and

(B) by striking “that are not wireless” and inserting “that are not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service”.

(b) DEFINITION.—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

“(9) OTHER EMERGENCY COMMUNICATIONS SERVICE.—The term ‘other emergency communications service’ means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 911 and enhanced 911 services.

“(10) OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term ‘other emergency communications service provider’ means—

“(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled

voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 to provide other emergency communications services; or

“(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 911 governing authority to provide other emergency communications services.”.

#### TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES

##### SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting “or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “section 332(d))” each place it appears in subsections (d)(4) and (f)(1);

(2) by striking “WIRELESS” in the heading of subsection (f); and

(3) in subsection (g)—

(A) by inserting “or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “telephone exchange service”;

(B) by striking “Notwithstanding subsections (b)” and inserting the following:

“(1) IN GENERAL.—Notwithstanding subsections (b)”; and

(C) by adding at the end the following new paragraph:

“(2) PROHIBITED USE OF LOCATION INFORMATION DATABASES.—No administrator of any database used for the purpose of facilitating the provision of emergency services may use for any competitive purpose data obtained from unaffiliated telecommunications carriers or IP-enabled voice service providers in the course of maintaining and operating that database. Nothing in this section is intended to prohibit government agencies otherwise authorized under law from requesting information contained in any such database.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3403, introduced by Representative BART GORDON, is designed to ensure that a consumer calling 911 in an emergency from an Internet phone, using so-called “Voice over Internet Protocol,” or VoIP service, can do so with a degree of confidence matching that of traditional phone service and wireless service.

The bill seeks to achieve this goal through two key provisions: The first provision extends liability protections to VoIP service providers. The Federal Communications Commission lacks authority to grant liability protection to VoIP service providers, and, therefore, Congress must take action to achieve this policy objective. This is similar to action this subcommittee took in 1999 when such liability protection was accorded to wireless providers.

The second key provision in the bill establishes the right of VoIP providers to access the parts of the 911 infrastructure they need in order to complete 911 calls for consumers. This is an important provision because while the FCC has acted to require VoIP providers to meet enhanced 911 service obligations, the commission did not order that such VoIP providers had a legal right to the components of the 911 infrastructure they would need to fulfill their E-911 obligations under the commission’s own rules.

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I want to commend Representative GORDON for his excellent work and leadership on this bill. We have endeavored, over the last several months, to work on a bipartisan basis through several issues, and the bill we bring to the House floor this afternoon reflects the results of these discussions. It is an excellent step forward.

I also want to salute Ms. ESHOO, Mr. SHIMKUS and Mr. PICKERING for their work on this legislation and, as always, to commend the chairman of the full committee, Mr. DINGELL; the ranking member of the full committee, Mr. BARTON; and my good friend, the gentleman from Michigan (Mr. UPTON) for their excellent efforts as well.

At this point, Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself as much time as I may consume.

I want to take particular time to thank Mr. MARKEY, my good friend, Mr. DINGELL, as well as Mr. GORDON, the bill’s sponsor, as well as Mr. SHIMKUS and Ms. ESHOO for their really outstanding leadership on this issue.

This is a good bill. All of us here know stories, many of us can relate personally to stories, using 911. This goes a bit further when we talk about E-911.

There is a recent news story that highlighted the importance of this service. A mother in Washington State was playing with her 2-year-old daughter, Alana, one night when suddenly a migraine hit her. She collapsed, she took a few painkillers, she felt dizzy, collapsed to the floor, and yet the 2-year-old daughter, Alana, watching her mom collapse, walked over to the coffee table, picked up the phone, and dialed 911.

While she was on the phone, all she said was “mommy, ouch.” Those two words alone were enough to send the paramedics to their home. Inside they found the mom on the floor and the daughter in the other room getting a blanket for her mom who was shivering. Thankfully, she was released the very next day. But without that technology, who knows how the situation, or many others like it, would end up.

Our 911 system continues to evolve. We’ve made a lot of progress on enhanced 911 deployment, but E-911 can provide the actual phone number and location of a caller, which can be essential in reaching people who need the

help, especially if they're having trouble communicating.

The FCC helped move the ball forward in June of 2005 by requiring that VoIP providers offer 911 services to their customers. And while technologically it is more complicated for VoIP providers to provide the service, it certainly is of equal importance.

We've all heard the horror stories in the past of people trying unsuccessfully to use 911 from their homes or mobile phones, and I'm hopeful that with the leaps taken so far, along with this legislation, all consumers, regardless of the phone service or their location, will be better served in an emergency.

This bill, H.R. 3403, the 911 Modernization and Public Safety Act of 2007, is certainly a significant public safety bill. I would urge my colleagues to vote for it. And, again, I want to thank the bipartisan cooperation that we've seen every step along the way, not only in this body, but in the Senate as well.

Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I would, once again, like to commend the bill to the Members. I also want to thank the staff, Mark Seifert, Amy Levine, David Vogel, Courtney Reinhard, and Dana Lichtenberg on the Democrat and Republican staffs for their excellent work on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 3403, the "911 Modernization and Public Safety Act of 2007."

Each time a new communications technology arrives on the market, we must adapt our 911 system and our laws to accommodate it. In 1999, Congress passed the Wireless Communications and Public Safety Act to ensure that emergency 911 calls made from wireless phones would go to the nearest Public Safety Answering Point or "PSAP".

Today, Voice-over-Internet-Protocol is revolutionizing the way we communicate by adding the flexibility and innovation of the Internet to the traditional phone call. However, unlike wireless carriers, VoIP providers have no rights to interconnect with the 911 infrastructure and only a handful of 911 centers were prepared to receive VoIP calls, until recently. This left VoIP providers with no easy way to deliver 911 or E-911 service to their subscribers.

After people using VoIP phones were unable to call 911 when they needed help, the FCC responded in June 2005 by requiring VoIP providers to incorporate E-911 capability into their service. While this forced VoIP providers to deploy E-911 access to almost all of their subscribers through commercial agreements with third parties, the FCC did not have the authority to address all of the important issues.

That is why the House Energy and Commerce Committee passed H.R. 3403. This bill seeks to better ensure that consumers using VoIP service can access enhanced 911 emergency services. It puts VoIP providers on the same legal footing as wireless carriers and gives providers the same access as wireless, at the same rates, terms and conditions. It gives VoIP carriers and PSAPs receiving the

VoIP 911 calls the same liability protection that is afforded to wireless calls. The bill allows VoIP providers to join wireless carriers in a narrow exemption from the Customer Proprietary Network Information Laws, so that they can transmit customer name and location information during an emergency call. The bill also allows the FCC to delegate to states enforcement of regulations implementing VoIP 911, without disrupting the interstate nature of VoIP service.

In addition to ensuring the success of VoIP E-911, H.R. 3403 takes strong steps to improve our 911 system going forward. First, the bill will stop states from raiding their 911 funds by prohibiting states from spending the 911 line-item fee they collect on phone bills for any purpose other than improvements to the 911 system. Second, the bill directs the E-911 Coordination and Implementation Office to develop a nationwide migration plan to an IP-enabled network. An Internet-based emergency network will enhance public safety by allowing for greater flexibility in the types and amount of information that may be transmitted to emergency service providers. Finally, H.R. 3403 alters an existing grant program to allow PSAPs to obtain federal funding for IP-enabled emergency networks.

H.R. 3403, the "911 Modernization and Public Safety Act of 2007" is about public safety. I want to praise the work of the bill's sponsor, Congressman BART GORDON, who has provided strong leadership in addressing the VoIP E-911 challenge. I also commend the House co-chairs of the Congressional E-911 Caucus: Congresswoman ESHOO and Congressman SHIMKUS, for their determined work to advance all 911 issues. I would also like to thank the Telecommunications Subcommittee Chairman Mr. ED MARKEY and the chairman of the full committee, Mr. JOHN DINGELL, and their staffs, for their leadership and commitment to working with our side in a bipartisan fashion on this bill.

H.R. 3403 is an important piece of legislation and I urge my colleagues to vote for it to become law.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 3403, the "911 Modernization and Public Safety Act of 2007".

This legislation ensures that consumers using Voice over Internet Protocol or VoIP technology can access the 911 system. It also requires the development of a national plan to ensure that the 911 system continues to evolve.

Consumers expect that when they place a call to 911 using a wireline phone, wireless phone, or any other type of technology, the emergency operator who answers will send the right type of first responder to the correct location in the shortest time possible. The ability to dial 911 and reach an emergency operator is so integral to our daily lives that we teach our children from the earliest moment how to dial 911.

As our communications system has evolved, so too has the 911 system. We have seen this before with the introduction of wireless phone service. As more consumers began using cell phones, Congress passed legislation to ensure that the 911 system could accommodate emergency calls made over the wireless network.

Over the last few years, VoIP technology has provided a new way for consumers to make calls using the Internet. H.R. 3404 en-

sures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. H.R. 3403 will give VoIP providers access to the components they need to provide 911 service and will extend the liability protections afforded to wireline and wireless carriers today to VoIP providers, public safety officials, and end users in relation to VoIP 911 calls.

The constantly evolving nature of technology can present a challenge to legislators. H.R. 3403 meets that challenge by ensuring that our 911 system continues to adapt. It requires the development of a national plan to migrate to an Internet Protocol-enabled 911 system. It also amends an existing grant program to allow funding for public safety answering points that are moving to an IP-enabled system.

As technology evolves, it is important that public safety communications also evolve. Too often public safety is left behind, burdened by yesterday's technology and yesterday's network. H.R. 3403 therefore requires that public safety representatives participate in the formation of the national plan. This will help ensure that public safety has access to the communications platform of the future.

Moving to an IP-enabled 911 system will also benefit consumers with disabilities. H.R. 3403 requires that the national plan address solutions for providing 911 and enhanced 911 services to members of the disabilities community who may not be able to speak to or hear an emergency operator. By including those representing the disabilities community in the formation of the national plan, we will ensure that all consumers are able to access emergency services.

Because consumers rely on 911, Congress must ensure that the 911 system is reliable. H.R. 3403 fulfills this duty by addressing the addition of VoIP service to the marketplace and by establishing a pathway to the future of the 911 system. This important measure has strong bipartisan support, including the support of the Committee on Energy and Commerce Ranking Member, Representative BARTON, and the Ranking Member of the Subcommittee on Telecommunications and Internet, Representative UPTON.

I commend Representative GORDON for his excellent work on this legislation. I also thank the other members of the 911 Caucus, and Representatives ESHOO, SHIMKUS, and PICKERING for their important and ongoing work in the area of Emergency communications.

I urge my colleagues to support H.R. 3403.

Ms. ESHOO. Mr. Speaker, I've been working on 911 issues for over a decade. We've come a long way during this time, and this bill is another step toward full interoperability. It is essential for our constituents to have access to emergency services whether they're using a mobile phone or using a VOIP service. Confidence that our network will be able to access emergency services when they are needed is fundamental.

My thanks to Representative GORDON and the Energy and Commerce Committee for their work on this 911 legislation which I'm a cosponsor of. The bill places a duty on VOIP services to provide 911 for their customers. This gives customers a guarantee that they will have emergency services when they need it. Importantly, this legislation requires that carriers allow VOIP providers to interconnect with

their facilities. In return, carriers will be compensated at the same rate that wireless carriers pay to interconnect. This interconnection mandate is necessary so that consumers will have timely access to 911 services.

This legislation will connect the 98 million Americans that live in areas where VOIP providers do not yet have access to the 911 network and are unable to receive reliable VOIP 911 services.

My colleague Mr. SHIMKUS and I are co-chairs of the E-911 Caucus and I thank him for his terrific work on this issue. We've worked closely together and passed legislation to provide federal grants to enhance our emergency communications system. So far no funding has been appropriated for this purpose but we were successful in passing an amendment to the Commerce, Justice, Science Appropriations that added \$5 million for this grant program. The funding "plants the seed" for advanced E-911 equipment so necessary in our communities.

This is a good bill and I strongly support it and urge Members to vote for it.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 3403, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## BROADBAND CENSUS OF AMERICA ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3919) to provide for a comprehensive nationwide inventory of existing broadband service, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3919

*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 "Broadband Census of America Act of 2007".

### SEC. 2. CENSUS OF BROADBAND SERVICE DEPLOYMENT.

(a) DUTY TO COLLECT AND REPORT.—

(1) ANNUAL ASSESSMENT AND REPORT.—The Commission shall, on an annual basis, conduct an assessment and publish a report on the nature and deployment of, and subscription to, broadband service capability throughout the States.

(2) BANDWIDTH SERVICE TIERS.—The Commission shall designate bandwidth service tiers by identifying tiers of increasing data transmission speeds of broadband service capability that will provide useful information about the nature and extent of deployment

of broadband service capability. At a minimum, the tiers in the aggregate shall encompass all data transmission speeds deployed, and shall consist of multiple combinations of upstream and downstream data transmission speeds. Each tier shall be designated, to the extent possible, to correspond to the ability to support qualitatively different applications and services, which the Commission shall also identify.

(3) INFORMATION COLLECTION.—The Commission shall collect, or provide for the collection of, information from all commercial and public providers of broadband service capability under its jurisdiction in each State. Such information shall include—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

(i) information concerning the types of technology used to provide broadband service capability in such area;

(ii) the tiers designated under paragraph (2) used to provide such capability in such area; and

(iii) the actual number of residential subscribers and the actual number of business subscribers in such area; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2).

(4) INFORMATION REPORTED.—In the annual report required by paragraph (1), the Commission shall provide to the public—

(A) for each area encompassed by a United States postal zip code of the 5 digit level—

(i) a list of the types of technology used to provide such capability in such area; and

(ii) the actual number of residential subscribers and the actual number of business subscribers to broadband service capability in such area, each in the aggregate; and

(B) for each State, the actual number of residential subscribers and the actual number of business subscribers for each tier of service designated under paragraph (2), each in the aggregate.

(b) EVOLUTION OF ASSESSMENT.—The Commission shall periodically review both the bandwidth service tiers and the types of technology utilized in its assessment under subsection (a) to take into account changes in technology and marketplace conditions.

(c) INTERNATIONAL COMPARISON.—

(1) INTERNATIONAL COMPARISON.—As part of the assessment and report required by this section, the Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the tiers designated pursuant to subsection (a)(2).

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of various communities within the United States. The Commission shall include in the comparison under this subsection—

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, and

the regulatory model under which broadband service capability is provided.

(d) PROTECTION OF INFORMATION.—Except for the information provided to the public by the Commission in its annual report pursuant to subsection (a)(4), nothing in this section shall reduce or remove any obligation the Commission has to protect proprietary information, nor shall this section be construed to compel the Commission to make publicly available any proprietary information. Any information collected by the Commission pursuant to subsection (a)(3) that reveals any competitively sensitive information of an individual provider of broadband service capability shall not be disclosed by the Commission under subsection (a)(4) or otherwise.

(e) REGULATIONS.—The Commission shall, within 180 days after the date of the enactment of this Act, promulgate regulations to implement this section.

(f) ENFORCEMENT AUTHORITY.—The Commission shall enforce this section as if such section was a part of the Communications Act of 1934. For the purpose of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

### SEC. 3. BROADBAND INVENTORY MAP.

(a) ESTABLISHMENT.—To provide a comprehensive nationwide inventory of existing broadband service capability and availability, the NTIA shall develop and maintain a broadband inventory map of the United States that identifies and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State.

(b) INFORMATION SHOWN.—The broadband inventory map developed and maintained pursuant to this section shall be capable of identifying and depicting, nationwide, for each State, and for each county or parish of each State—

(1) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is deployed at that time, including—

(A) each commercial or public provider of broadband service capability within such area; and

(B) subject to subsection (f)(5)—

(i) each type of technology used to provide broadband service capability within such area; and

(ii) which bandwidth service tiers designated pursuant to section 2(a)(2) are available within such area for each provider of broadband service capability; and

(2) each area encompassed by a United States postal zip code of 9 digit level, census tract level, or functional equivalent in which broadband service capability is not deployed at that time.

(c) DATA USE ENCOURAGED.—The NTIA shall—

(1) seek to overlay demographic data obtained from other sources in the Department of Commerce and elsewhere for use with such broadband inventory map; and

(2) make available such map, and the information on which it is based, to such other sources in the Department for demographic purposes, subject to section 7.

(d) PUBLIC AVAILABILITY AND INTERACTIVITY.—Not later than 2 years after the date of the enactment of this Act, the NTIA shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the NTIA in a form that is interactive and searchable.