

[COMMITTEE PRINT]

OCTOBER 16, 2007

[Showing the text of the Bill as Approved by the Subcommittee on Telecommunications and the Internet on October 10, 2007]

110TH CONGRESS
1ST SESSION

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. GORDON of Tennessee introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “911 Modernization and
3 Public Safety Act of 2007”.

4 **TITLE I—911 SERVICES AND IP-**
5 **ENABLED VOICE SERVICE**
6 **PROVIDERS**

7 **SEC. 101. DUTY TO PROVIDE 911 AND E-911 SERVICE.**

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

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

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

14 **“SEC. 6. DUTY TO PROVIDE 911 AND E-911 SERVICE.**

15 “(a) DUTIES.—It shall be the duty of each IP-en-
16 abled voice service provider to provide 911 service and E-
17 911 service to its subscribers in accordance with the re-
18 quirements of the Federal Communications Commission
19 (in this section referred to as the ‘Commission’), as in ef-
20 fect on the date of enactment of the 911 Modernization
21 and Public Safety Act of 2007 and as such requirements
22 may be modified by the Commission from time to time.

23 “(b) PARITY FOR IP-ENABLED VOICE SERVICE PRO-
24 VIDERS.—An IP-enabled voice service provider that seeks
25 capabilities from an entity with ownership or control over
26 such capabilities to comply with its obligations under sub-

1 section (a) shall, for the exclusive purpose of complying
2 with such obligations, have the same rights, including
3 rights of interconnection, and on the same rates, terms,
4 and conditions, as apply to a provider of commercial mo-
5 bile service (as such term is defined in section 332(d) of
6 the Communications Act of 1934 (47 U.S.C. 332(d))),
7 subject to such regulations as the Commission prescribes
8 under subsection (c).

9 “(c) REGULATIONS.—The Commission—

10 “(1) within 90 days after the date of enactment
11 of the 911 Modernization and Public Safety Act of
12 2007, shall issue regulations implementing such Act,
13 including regulations that—

14 “(A) ensure that IP-enabled voice service
15 providers have the ability—

16 “(i) to comply with subsection (a);

17 and

18 “(ii) to exercise their rights under
19 subsection (b);

20 “(B) take into account any technical, net-
21 work security, or information privacy require-
22 ments that are specific to IP-enabled voice serv-
23 ices; and

24 “(C) provide, with respect to any capabili-
25 ties that are not required to be made available

1 to a commercial mobile service provider but
2 that the Commission determines under subpara-
3 graph (B) of this paragraph or paragraph (2)
4 are necessary for an IP-enabled voice service
5 provider to comply with its obligations under
6 subsection (a), that such capabilities shall be
7 available at the same rates, terms, and condi-
8 tions as would apply if such capabilities were
9 made available to a commercial mobile service
10 provider; and

11 “(2) may modify these requirements from time
12 to time, as necessitated by changes in the market or
13 technology, to ensure the ability of an IP-enabled
14 voice service provider to comply with its obligations
15 under subsection (a).

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

1 “(e) IMPLEMENTATION.—

2 “(1) LIMITATION.—Nothing in this section
3 shall be construed to permit the Commission to issue
4 regulations that require or impose a specific tech-
5 nology or technology standard.

6 “(2) ENFORCEMENT.—The Commission shall
7 enforce this section as if this section was a part of
8 the Communications Act of 1934. For purposes of
9 this section, any violations of this section, or any
10 regulations promulgated under this section, shall be
11 considered to be a violation of the Communications
12 Act of 1934 or a regulation promulgated under that
13 Act, respectively.

14 “(f) STATE AUTHORITY OVER FEES.—

15 “(1) AUTHORITY.—A fee or charge applicable
16 to commercial mobile services or IP-enabled voice
17 services specifically designated by a State, political
18 subdivision thereof, or Indian tribe for the support
19 or implementation of 911 or E-911 services that are
20 subject to or authorized by this Act, the Commu-
21 nications Act of 1934 (47 U.S.C. 151 et seq.), the
22 911 Modernization and Public Safety Act of 2007,
23 or any Commission requirement may be obligated or
24 expended only in support of 911 and E-911 services,
25 or enhancements of such services, or other emer-

1 agency communications services as specified in the
2 provision of State or local law adopting the fee or
3 charge. For each class of subscribers to IP-enabled
4 voice services, the fee or charge may not exceed the
5 amount of any such fee or charge applicable to the
6 same class of subscribers to telecommunications
7 services.

8 “(2) FEE ACCOUNTABILITY REPORT.—To en-
9 sure efficiency, transparency, and accountability in
10 the collection and expenditure of fees for the support
11 or implementation of 911 or E-911 services, the
12 Commission shall submit a report within 1 year
13 after the date of enactment of the 911 Moderniza-
14 tion and Public Safety Act of 2007, and annually
15 thereafter, to the Committee on Commerce, Science
16 and Transportation of the Senate and the Com-
17 mittee on Energy and Commerce of the House of
18 Representatives detailing the status in each State of
19 the collection and distribution of 911 fees, and in-
20 cluding findings on the amount of revenues obligated
21 or expended by each State or political subdivision
22 thereof for any purpose other than the purpose for
23 which any fee or charges are presented.

24 “(g) AVAILABILITY OF PSAP INFORMATION.—The
25 Commission may compile a list of public safety answering

1 point contact information, selective router contact infor-
2 mation, testing procedures, and classes and types of serv-
3 ices supported by public safety answering points, or other
4 information concerning 911 elements, for the purpose of
5 assisting IP-enabled voice service providers in complying
6 with this section, and may make any portion of such infor-
7 mation available to the public if such availability would
8 improve public safety.”; and

9 (3) in section 7 (as redesignated by paragraph
10 (1) of this section) by adding at the end the fol-
11 lowing new paragraph:

12 “(8) IP-ENABLED VOICE SERVICE.—The term
13 ‘IP-enabled voice service’ has the meaning given the
14 term ‘interconnected VoIP service’ by section 9.3 of
15 the Commission’s regulation (47 CFR 9.3).”.

16 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**
17 **WORK.**

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

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

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

1 (3) by inserting after subsection (c) the fol-
2 lowing new subsection:

3 “(d) **MIGRATION PLAN REQUIRED.**—

4 “(1) **NATIONAL PLAN REQUIRED.**—No more
5 than 270 days after the date of the enactment of the
6 911 Modernization and Public Safety Act of 2007,
7 the Office shall develop and report to Congress on
8 a national plan for migrating to a national IP-en-
9 abled emergency network capable of receiving and
10 responding to all citizen-activated emergency com-
11 munications and improving information sharing
12 among all emergency response entities.

13 “(2) **CONTENTS OF PLAN.**—The plan required
14 by paragraph (1) shall—

15 “(A) outline the potential benefits of such
16 a migration;

17 “(B) identify barriers that must be over-
18 come and funding mechanisms to address those
19 barriers;

20 “(C) include a proposed timetable, an out-
21 line of costs, and potential savings;

22 “(D) provide specific legislative language,
23 if necessary, for achieving the plan;

24 “(E) provide recommendations on any leg-
25 islative changes, including updating definitions,

1 to facilitate a national IP-enabled emergency
2 network;

3 “(F) assess, collect, and analyze the expe-
4 riences of the public safety answering points
5 and related public safety authorities who are
6 conducting trial deployments of IP-enabled
7 emergency networks as of the date of enact-
8 ment of the 911 Modernization and Public
9 Safety Act of 2007;

10 “(G) identify solutions for providing 911
11 and E-911 access to those with disabilities and
12 needed steps to implement such solutions, in-
13 cluding a recommended timeline; and

14 “(H) analyze efforts to provide automatic
15 location for E-911 purposes and recommenda-
16 tions on needed regulatory or legislative
17 changes that are necessary to achieve automatic
18 location for E-911 purposes.

19 “(3) CONSULTATION.—In developing the plan
20 required by paragraph (1), the Office shall consult
21 with representatives of the public safety community,
22 groups representing those with disabilities, tech-
23 nology and telecommunications providers, IP-enabled
24 voice service providers, Telecommunications Relay

1 Service providers, and other emergency communica-
2 tions providers and others it deems appropriate.”.

3 **TITLE II—PARITY OF**
4 **PROTECTION**

5 **SEC. 201. LIABILITY.**

6 (a) AMENDMENTS.—Section 4 of the Wireless Com-
7 munications and Public Safety Act of 1999 (47 U.S.C.
8 615a) is amended—

9 (1) by striking “**PARITY OF PROTECTION**
10 **FOR PROVISION OR USE OF WIRELESS SERV-**
11 **ICE**” in the section heading and inserting “**SERV-**
12 **ICE PROVIDER PARITY OF PROTECTION**”;

13 (2) in subsection (a)—

14 (A) by striking “wireless carrier,” and in-
15 serting “wireless carrier, IP-enabled voice serv-
16 ice provider, or other emergency communica-
17 tions provider,”;

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

20 (C) by striking “emergency calls or emer-
21 gency services” and inserting “emergency calls,
22 emergency services, or other emergency commu-
23 nications services”;

24 (3) in subsection (b)—

1 (A) by striking “using wireless 9–1–1 serv-
2 ice shall” and inserting “using wireless 9–1–1
3 service, or making 9–1–1 communications via
4 IP-enabled voice service or other emergency
5 communications service, shall”; and

6 (B) by striking “that is not wireless” and
7 inserting “that is not via wireless 9–1–1 serv-
8 ice, IP-enabled voice service, or other emer-
9 gency communications service”; and

10 (4) in subsection (c)—

11 (A) by striking “wireless 9–1–1 commu-
12 nications, a PSAP” and inserting “9–1–1 com-
13 munications via wireless 9–1–1 service, IP-en-
14 abled voice service, or other emergency commu-
15 nications service, a PSAP”; and

16 (B) by striking “that are not wireless” and
17 inserting “that are not via wireless 9–1–1 serv-
18 ice, IP-enabled voice service, or other emer-
19 gency communications service”.

20 (b) DEFINITION.—Section 7 of the Wireless Commu-
21 nications and Public Safety Act of 1999 (as redesignated
22 by section 101(1) of this Act) is further amended by add-
23 ing at the end the following new paragraphs:

24 “(9) OTHER EMERGENCY COMMUNICATIONS
25 SERVICE.—The term ‘other emergency communica-

1 tions service’ means the provision of emergency in-
2 formation to a public safety answering point via wire
3 or radio communications, and may include 911 and
4 enhanced 911 services.

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

8 “(A) an entity other than a local exchange
9 carrier, wireless carrier, or an IP-enabled voice
10 service provider that is required by the Commis-
11 sion consistent with the Commission’s authority
12 under the Communications Act of 1934 to pro-
13 vide other emergency communications services;
14 or

15 “(B) in the absence of a Commission re-
16 quirement as described in subsection 10(A), an
17 entity that voluntarily elects to provide other
18 emergency communications services and is spe-
19 cifically authorized by the appropriate local or
20 State 911 governing authority to provide other
21 emergency communications services.”.

1 **TITLE III—AUTHORITY TO PRO-**
2 **VIDE CUSTOMER INFORMA-**
3 **TION FOR 911 PURPOSES**

4 **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**
5 **TION.**

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

8 (1) by inserting “or the user of an IP-enabled
9 voice service (such as the term is defined in section
10 7 of the Wireless Communications and Public Safety
11 Act of 1999 (47 U.S.C. 615b))” after “section
12 332(d))” each place it appears in subsections (d)(4)
13 and (f)(1);

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

16 (3) in subsection (g)—

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

22 (B) by striking “Notwithstanding sub-
23 sections (b)” and inserting the following:

24 “(1) IN GENERAL.—Notwithstanding sub-
25 sections (b)”;

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

3 “(2) PROHIBITED USE OF LOCATION INFORMA-
4 TION DATABASES.—No administrator of any data-
5 base used for the purpose of facilitating the provi-
6 sion of emergency services may use for any competi-
7 tive purpose data obtained from unaffiliated tele-
8 communications carriers or IP-enabled voice service
9 providers in the course of maintaining and operating
10 that database. Nothing in this section is intended to
11 prohibit government agencies otherwise authorized
12 under law from requesting information contained in
13 any such database.”.