

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3403
OFFERED BY MR. GORDON OF TENNESSEE
Manager's Amendment

Strike all after the enacting clause and insert the following:

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-

1 requirements of the Federal Communications Commission
2 (in this section referred to as the ‘Commission’), as in ef-
3 fect on the date of enactment of the 911 Modernization
4 and Public Safety Act of 2007 and as such requirements
5 may be modified by the Commission from time to time.

6 “(b) **PARITY FOR IP-ENABLED VOICE SERVICE PRO-**
7 **VIDERS.**—An IP-enabled voice service provider that seeks
8 capabilities from an entity with ownership or control over
9 such capabilities to comply with its obligations under sub-
10 section (a) shall, for the exclusive purpose of complying
11 with such obligations, have the same rights, including
12 rights of interconnection, and on the same rates, terms,
13 and conditions, as apply to a provider of commercial mo-
14 bile service (as such term is defined in section 332(d) of
15 the Communications Act of 1934 (47 U.S.C. 332(d))),
16 subject to such regulations as the Commission prescribes
17 under subsection (c).

18 “(c) **REGULATIONS.**—The Commission—

19 “(1) within 90 days after the date of enactment
20 of the 911 Modernization and Public Safety Act of
21 2007, shall issue regulations implementing such Act,
22 including regulations that—

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

1 “(i) to comply with subsection (a);

2 and

3 “(ii) to exercise their rights under
4 subsection (b);

5 “(B) take into account any technical, net-
6 work security, or information privacy require-
7 ments that are specific to IP-enabled voice serv-
8 ices; and

9 “(C) provide, with respect to any capabili-
10 ties that are not required to be made available
11 to a commercial mobile service provider but
12 that the Commission determines under subpara-
13 graph (B) of this paragraph or paragraph (2)
14 are necessary for an IP-enabled voice service
15 provider to comply with its obligations under
16 subsection (a), that such capabilities shall be
17 available at the same rates, terms, and condi-
18 tions as would apply if such capabilities were
19 made available to a commercial mobile service
20 provider; and

21 “(2) may modify these requirements from time
22 to time, as necessitated by changes in the market or
23 technology, to ensure the ability of an IP-enabled
24 voice service provider to comply with its obligations
25 under subsection (a).

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

11 “(e) IMPLEMENTATION.—

12 “(1) LIMITATION.—Nothing in this section
13 shall be construed to permit the Commission to issue
14 regulations that require or impose a specific tech-
15 nology or technology standard.

16 “(2) ENFORCEMENT.—The Commission shall
17 enforce this section as if this section was a part of
18 the Communications Act of 1934. For purposes of
19 this section, any violations of this section, or any
20 regulations promulgated under this section, shall be
21 considered to be a violation of the Communications
22 Act of 1934 or a regulation promulgated under that
23 Act, respectively.

24 “(f) STATE AUTHORITY OVER FEES.—

1 “(1) AUTHORITY.—A fee or charge applicable
2 to commercial mobile services or IP-enabled voice
3 services specifically designated by a State, political
4 subdivision thereof, or Indian tribe for the support
5 or implementation of 911 or E-911 services that are
6 subject to or authorized by this Act, the Commu-
7 nications Act of 1934 (47 U.S.C. 151 et seq.), the
8 911 Modernization and Public Safety Act of 2007,
9 or any Commission requirement may be obligated or
10 expended only in support of 911 and E-911 services,
11 or enhancements of such services, or other emer-
12 gency communications services as specified in the
13 provision of State or local law adopting the fee or
14 charge. For each class of subscribers to IP-enabled
15 voice services, the fee or charge may not exceed the
16 amount of any such fee or charge applicable to the
17 same class of subscribers to telecommunications
18 services.

19 “(2) FEE ACCOUNTABILITY REPORT.—To en-
20 sure efficiency, transparency, and accountability in
21 the collection and expenditure of fees for the support
22 or implementation of 911 or E-911 services, the
23 Commission shall submit a report within 1 year
24 after the date of enactment of the 911 Moderniza-
25 tion and Public Safety Act of 2007, and annually

1 thereafter, to the Committee on Commerce, Science
2 and Transportation of the Senate and the Com-
3 mittee on Energy and Commerce of the House of
4 Representatives detailing the status in each State of
5 the collection and distribution of 911 fees, and in-
6 cluding findings on the amount of revenues obligated
7 or expended by each State or political subdivision
8 thereof for any purpose other than the purpose for
9 which any fee or charges are presented.

10 “(g) AVAILABILITY OF PSAP INFORMATION.—The
11 Commission may compile a list of public safety answering
12 point contact information, selective router contact infor-
13 mation, testing procedures, and classes and types of serv-
14 ices supported by public safety answering points, or other
15 information concerning 911 elements, for the purpose of
16 assisting IP-enabled voice service providers in complying
17 with this section, and may make any portion of such infor-
18 mation available to the public if such availability would
19 improve public safety.”; and

20 (3) in section 7 (as redesignated by paragraph
21 (1) of this section) by adding at the end the fol-
22 lowing new paragraph:

23 “(8) IP-ENABLED VOICE SERVICE.—The term
24 ‘IP-enabled voice service’ has the meaning given the

1 term ‘interconnected VoIP service’ by section 9.3 of
2 the Commission’s regulation (47 CFR 9.3).”.

3 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**
4 **WORK.**

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

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

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

13 (3) by inserting after subsection (c) the fol-
14 lowing new subsection:

15 “(d) **MIGRATION PLAN REQUIRED.**—

16 “(1) **NATIONAL PLAN REQUIRED.**—No more
17 than 270 days after the date of the enactment of the
18 911 Modernization and Public Safety Act of 2007,
19 the Office shall develop and report to Congress on
20 a national plan for migrating to a national IP-en-
21 abled emergency network capable of receiving and
22 responding to all citizen-activated emergency com-
23 munications and improving information sharing
24 among all emergency response entities.

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

3 “(A) outline the potential benefits of such
4 a migration;

5 “(B) identify barriers that must be over-
6 come and funding mechanisms to address those
7 barriers;

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

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

12 “(E) provide recommendations on any leg-
13 islative changes, including updating definitions,
14 to facilitate a national IP-enabled emergency
15 network;

16 “(F) assess, collect, and analyze the expe-
17 riences of the public safety answering points
18 and related public safety authorities who are
19 conducting trial deployments of IP-enabled
20 emergency networks as of the date of enact-
21 ment of the 911 Modernization and Public
22 Safety Act of 2007;

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

1 needed steps to implement such solutions, in-
2 cluding a recommended timeline; and

3 “(H) analyze efforts to provide automatic
4 location for E-911 purposes and recommenda-
5 tions on needed regulatory or legislative
6 changes that are necessary to achieve automatic
7 location for E-911 purposes.

8 “(3) CONSULTATION.—In developing the plan
9 required by paragraph (1), the Office shall consult
10 with representatives of the public safety community,
11 groups representing those with disabilities, tech-
12 nology and telecommunications providers, IP-enabled
13 voice service providers, Telecommunications Relay
14 Service providers, and other emergency communica-
15 tions providers and others it deems appropriate.”.

16 **TITLE II—PARITY OF**
17 **PROTECTION**

18 **SEC. 201. LIABILITY.**

19 (a) AMENDMENTS.—Section 4 of the Wireless Com-
20 munications and Public Safety Act of 1999 (47 U.S.C.
21 615a) is amended—

22 (1) by striking “**PARITY OF PROTECTION**
23 **FOR PROVISION OR USE OF WIRELESS SERV-**
24 **ICE**” in the section heading and inserting “**SERV-**
25 **ICE PROVIDER PARITY OF PROTECTION**”;

1 (2) in subsection (a)—

2 (A) by striking “wireless carrier,” and in-
3 serting “wireless carrier, IP-enabled voice serv-
4 ice provider, or other emergency communica-
5 tions provider,”;

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

8 (C) by striking “emergency calls or emer-
9 gency services” and inserting “emergency calls,
10 emergency services, or other emergency commu-
11 nications services”;

12 (3) in subsection (b)—

13 (A) by striking “using wireless 9-1-1 serv-
14 ice shall” and inserting “using wireless 9-1-1
15 service, or making 9-1-1 communications via
16 IP-enabled voice service or other emergency
17 communications service, shall”; and

18 (B) by striking “that is not wireless” and
19 inserting “that is not via wireless 9-1-1 serv-
20 ice, IP-enabled voice service, or other emer-
21 gency communications service”; and

22 (4) in subsection (c)—

23 (A) by striking “wireless 9-1-1 commu-
24 nications, a PSAP” and inserting “9-1-1 com-
25 munications via wireless 9-1-1 service, IP-en-

1 abled voice service, or other emergency commu-
2 nications service, a PSAP”); and

3 (B) by striking “that are not wireless” and
4 inserting “that are not via wireless 9–1–1 serv-
5 ice, IP-enabled voice service, or other emer-
6 gency communications service”.

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

11 “(9) OTHER EMERGENCY COMMUNICATIONS
12 SERVICE.—The term ‘other emergency communica-
13 tions service’ means the provision of emergency in-
14 formation to a public safety answering point via wire
15 or radio communications, and may include 911 and
16 enhanced 911 services.

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

20 “(A) an entity other than a local exchange
21 carrier, wireless carrier, or an IP-enabled voice
22 service provider that is required by the Commis-
23 sion consistent with the Commission’s authority
24 under the Communications Act of 1934 to pro-

1 vide other emergency communications services;

2 or

3 “(B) in the absence of a Commission re-
4 quirement as described in subsection 10(A), an
5 entity that voluntarily elects to provide other
6 emergency communications services and is spe-
7 cifically authorized by the appropriate local or
8 State 911 governing authority to provide other
9 emergency communications services.”.

10 **TITLE III—AUTHORITY TO PRO-**
11 **VIDE CUSTOMER INFORMA-**
12 **TION FOR 911 PURPOSES**

13 **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**
14 **TION.**

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

17 (1) by inserting “or the user of an IP-enabled
18 voice service (such as the term is defined in section
19 7 of the Wireless Communications and Public Safety
20 Act of 1999 (47 U.S.C. 615b))” after “section
21 332(d))” each place it appears in subsections (d)(4)
22 and (f)(1);

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

25 (3) in subsection (g)—

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

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

8 “(1) IN GENERAL.—Notwithstanding sub-
9 sections (b)”;

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

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