

Union Calendar No. 273

110TH CONGRESS
1ST SESSION

H. R. 3403

[Report No. 110-442]

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

NOVEMBER 13, 2007

Additional sponsors: Ms. ESHOO, Mr. SHIMKUS, Mr. PICKERING, Ms. CARSON, Mrs. CAPPES, and Mr. WELLER of Illinois

NOVEMBER 13, 2007

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on August 3, 2007]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “911 Modernization and*
5 *Public Safety Act of 2007”.*

6 **TITLE I—911 SERVICES AND IP-**
7 **ENABLED VOICE SERVICE**
8 **PROVIDERS**

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

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

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

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

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

17 *“(a) DUTIES.—It shall be the duty of each IP-enabled*
18 *voice service provider to provide 911 service and E-911*
19 *service to its subscribers in accordance with the require-*
20 *ments of the Federal Communications Commission (in this*
21 *section referred to as the ‘Commission’), as in effect on the*
22 *date of enactment of the 911 Modernization and Public*
23 *Safety Act of 2007 and as such requirements may be modi-*
24 *fied by the Commission from time to time.*

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

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

14 “(1) *within 90 days after the date of enactment*
15 *of the 911 Modernization and Public Safety Act of*
16 *2007, shall issue regulations implementing such Act,*
17 *including regulations that—*

18 “(A) *ensure that IP-enabled voice service*
19 *providers have the ability to exercise their rights*
20 *under subsection (b);*

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

1 “(C) provide, with respect to any capabili-
2 ties that are not required to be made available
3 to a commercial mobile service provider but that
4 the Commission determines under subparagraph
5 (B) of this paragraph or paragraph (2) are nec-
6 essary for an IP-enabled voice service provider to
7 comply with its obligations under subsection (a),
8 that such capabilities shall be available at the
9 same rates, terms, and conditions as would
10 apply if such capabilities were made available to
11 a commercial mobile service provider; and

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

17 “(d) *DELEGATION OF ENFORCEMENT TO STATE COM-*
18 *MISSIONS.*—*The Commission may delegate authority to en-*
19 *force the regulations issued under subsection (c) to State*
20 *commissions or other State agencies or programs with juris-*
21 *isdiction over emergency communications. Nothing in this*
22 *section is intended to alter the authority of State commis-*
23 *sions or other State agencies with jurisdiction over emer-*
24 *gency communications, provided that the exercise of such*

1 *authority is not inconsistent with Federal law or Commis-*
2 *sion requirements.*

3 “(e) *IMPLEMENTATION.*—

4 “(1) *LIMITATION.*—*Nothing in this section shall*
5 *be construed to permit the Commission to issue regu-*
6 *lations that require or impose a specific technology or*
7 *technology standard.*

8 “(2) *ENFORCEMENT.*—*The Commission shall en-*
9 *force this section as if this section was a part of the*
10 *Communications Act of 1934. For purposes of this*
11 *section, any violations of this section, or any regula-*
12 *tions promulgated under this section, shall be consid-*
13 *ered to be a violation of the Communications Act of*
14 *1934 or a regulation promulgated under that Act, re-*
15 *spectively.*

16 “(f) *STATE AUTHORITY OVER FEES.*—

17 “(1) *AUTHORITY.*—*Nothing in this Act, the Com-*
18 *munications Act of 1934 (47 U.S.C. 151 et seq.), the*
19 *911 Modernization and Public Safety Act of 2007, or*
20 *any Commission regulation or order shall prevent the*
21 *imposition and collection of a fee or charge applicable*
22 *to commercial mobile services or IP-enabled voice*
23 *services specifically designated by a State, political*
24 *subdivision thereof, or Indian tribe for the support or*
25 *implementation of 911 or E-911 services, provided*

1 *that the fee or charge is obligated or expended only*
2 *in support of 911 and E-911 services, or enhance-*
3 *ments of such services, as specified in the provision of*
4 *State or local law adopting the fee or charge. For*
5 *each class of subscribers to IP-enabled voice services,*
6 *the fee or charge may not exceed the amount of any*
7 *such fee or charge applicable to the same class of sub-*
8 *scribers to telecommunications services.*

9 *“(2) FEE ACCOUNTABILITY REPORT.—To ensure*
10 *efficiency, transparency, and accountability in the*
11 *collection and expenditure of fees for the support or*
12 *implementation of 911 or E-911 services, the Com-*
13 *mission shall submit a report within 1 year after the*
14 *date of enactment of the 911 Modernization and Pub-*
15 *lic Safety Act of 2007, and annually thereafter, to the*
16 *Committee on Commerce, Science and Transportation*
17 *of the Senate and the Committee on Energy and Com-*
18 *merce of the House of Representatives detailing the*
19 *status in each State of the collection and distribution*
20 *of 911 fees, and including findings on the amount of*
21 *revenues obligated or expended by each State or polit-*
22 *ical subdivision thereof for any purpose other than*
23 *the purpose for which any fee or charges are pre-*
24 *sented.*

1 “(g) *AVAILABILITY OF PSAP INFORMATION.*—The
2 *Commission may compile a list of public safety answering*
3 *point contact information, contact information for pro-*
4 *viders of selective routers, testing procedures, classes and*
5 *types of services supported by public safety answering*
6 *points, and other information concerning 911 elements, for*
7 *the purpose of assisting IP-enabled voice service providers*
8 *in complying with this section, and may make any portion*
9 *of such information available to telecommunications car-*
10 *riers, wireless carriers, IP-enabled voice service providers,*
11 *other emergency service providers, or the vendors to or*
12 *agents of any such carriers or providers, if such availability*
13 *would improve public safety.*

14 “(h) *RULE OF CONSTRUCTION.*—Nothing in the 911
15 *Modernization and Public Safety Act of 2007 shall be con-*
16 *strued as altering, delaying, or otherwise limiting the abil-*
17 *ity of the Commission to enforce the rules adopted in the*
18 *Commission’s First Report and Order in WC Docket Nos.*
19 *04–36 and 05–196, as in effect on the date of enactment*
20 *of the 911 Modernization and Public Safety Act of 2007,*
21 *except as such rules may be modified by the Commission*
22 *from time to time.”; and*

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

1 “(8) *IP-ENABLED VOICE SERVICE*.—*The term*
2 *‘IP-enabled voice service’ has the meaning given the*
3 *term ‘interconnected VoIP service’ by section 9.3 of*
4 *the Federal Communications Commission’s regula-*
5 *tions (47 CFR 9.3).”.*

6 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**
7 **WORK.**

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

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

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

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

18 “(d) *MIGRATION PLAN REQUIRED*.—

19 (1) *NATIONAL PLAN REQUIRED*.—*No more than*
20 *270 days after the date of the enactment of the 911*
21 *Modernization and Public Safety Act of 2007, the Of-*
22 *ice shall develop and report to Congress on a na-*
23 *tional plan for migrating to a national IP-enabled*
24 *emergency network capable of receiving and respond-*
25 *ing to all citizen-activated emergency communications*

1 *and improving information sharing among all emer-*
2 *gency response entities.*

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

5 *“(A) outline the potential benefits of such a*
6 *migration;*

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

10 *“(C) include a proposed timetable, an out-*
11 *line of costs, and potential savings;*

12 *“(D) provide specific legislative language, if*
13 *necessary, for achieving the plan;*

14 *“(E) provide recommendations on any legis-*
15 *lative changes, including updating definitions, to*
16 *facilitate a national IP-enabled emergency net-*
17 *work;*

18 *“(F) assess, collect, and analyze the experi-*
19 *ences of the public safety answering points and*
20 *related public safety authorities who are con-*
21 *ducting trial deployments of IP-enabled emer-*
22 *gency networks as of the date of enactment of the*
23 *911 Modernization and Public Safety Act of*
24 *2007;*

1 “(G) identify solutions for providing 911
2 and E-911 access to those with disabilities and
3 needed steps to implement such solutions, includ-
4 ing a recommended timeline; and

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

10 “(3) CONSULTATION.—In developing the plan re-
11 quired by paragraph (1), the Office shall consult with
12 representatives of the public safety community, groups
13 representing those with disabilities, technology and
14 telecommunications providers, IP-enabled voice serv-
15 ice providers, Telecommunications Relay Service pro-
16 viders, and other emergency communications pro-
17 viders and others it deems appropriate.”.

18 **SEC. 103. TECHNICAL AMENDMENTS.**

19 Section 3011(b) of the Digital Television Transition
20 and Public Safety Act of 2005 (Public Law 109-171; 47
21 U.S.C. 309 note), and section 158(b)(4) of the National
22 Telecommunications and Information Administration Or-
23 ganization Act (47 U.S.C. 942(b)(4)) are each amended by
24 striking “the 911 Modernization Act” and inserting “the
25 911 Modernization and Public Safety Act of 2007”.

1 **TITLE II—PARITY OF**
2 **PROTECTION**

3 **SEC. 201. LIABILITY.**

4 (a) *AMENDMENTS.*—Section 4 of the Wireless Commu-
5 *nications and Public Safety Act of 1999 (47 U.S.C. 615a)*
6 *is amended—*

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

11 (2) *in subsection (a)—*

12 (A) *by striking “wireless carrier,” and in-*
13 *serting “wireless carrier, IP-enabled voice service*
14 *provider, or other emergency communications*
15 *provider,”;*

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

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

22 (3) *in subsection (b)—*

23 (A) *by striking “using wireless 9–1–1 serv-*
24 *ice shall” and inserting “using wireless 9–1–1*
25 *service, or making 9–1–1 communications via*

1 *IP-enabled voice service or other emergency com-*
2 *munications service, shall”; and*

3 *(B) by striking “that is not wireless” and*
4 *inserting “that is not via wireless 9–1–1 service,*
5 *IP-enabled voice service, or other emergency com-*
6 *munications service”; and*

7 *(4) in subsection (c)—*

8 *(A) by striking “wireless 9–1–1 communica-*
9 *tions, a PSAP” and inserting “9–1–1 commu-*
10 *nications via wireless 9–1–1 service, IP-enabled*
11 *voice service, or other emergency communications*
12 *service, a PSAP”; and*

13 *(B) by striking “that are not wireless” and*
14 *inserting “that are not via wireless 9–1–1 serv-*
15 *ice, IP-enabled voice service, or other emergency*
16 *communications service”.*

17 *(b) DEFINITION.—Section 7 of the Wireless Commu-*
18 *nications and Public Safety Act of 1999 (as redesignated*
19 *by section 101(1) of this Act) is further amended by adding*
20 *at the end the following new paragraphs:*

21 *“(9) OTHER EMERGENCY COMMUNICATIONS*
22 *SERVICE.—The term ‘other emergency communica-*
23 *tions service’ means the provision of emergency infor-*
24 *mation to a public safety answering point via wire*

1 *or radio communications, and may include 911 and*
2 *enhanced 911 services.*

3 “(10) *OTHER EMERGENCY COMMUNICATIONS*
4 *SERVICE PROVIDER.—The term ‘other emergency com-*
5 *munications service provider’ means—*

6 “(A) *an entity other than a local exchange*
7 *carrier, wireless carrier, or an IP-enabled voice*
8 *service provider that is required by the Federal*
9 *Communications Commission consistent with the*
10 *Commission’s authority under the Communica-*
11 *tions Act of 1934 to provide other emergency*
12 *communications services; or*

13 “(B) *in the absence of a Commission re-*
14 *quirement as described in subparagraph (A), an*
15 *entity that voluntarily elects to provide other*
16 *emergency communications services and is spe-*
17 *cifically authorized by the appropriate local or*
18 *State 911 governing authority to provide other*
19 *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 (as such term is defined in section 7 of*
10 *the Wireless Communications and Public Safety Act*
11 *of 1999 (47 U.S.C. 615b))” after “section 332(d)”*
12 *each place it appears in subsections (d)(4) and (f)(1);*

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

15 *(3) in subsection (g)—*

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

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

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

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 database*
5 *used for the purpose of facilitating the provision of*
6 *emergency services may use for any competitive pur-*
7 *pose data obtained from unaffiliated telecommuni-*
8 *cations carriers or IP-enabled voice service providers*
9 *in the course of maintaining and operating that data-*
10 *base. Nothing in this section is intended to prohibit*
11 *government agencies otherwise authorized under law*
12 *from requesting information contained in any such*
13 *database.”.*

Amend the title so as to read: “A bill to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation’s transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.”.

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