

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.

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## 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

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## 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".

1 **TITLE I—911 SERVICES AND IP-**  
2 **ENABLED VOICE SERVICE**  
3 **PROVIDERS**

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

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

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

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

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

12 “(a) DUTIES.—It shall be the duty of every IP-en-  
13 abled voice service provider engaged in interstate commu-  
14 nication to provide 911 service and E-911 service to its  
15 subscribers in accordance with the regulations of Federal  
16 Communications Commission (in this section referred to  
17 as the ‘Commission’), as such orders may be modified by  
18 the Commission from time to time.

19 “(b) ACCESS TO 911 COMPONENTS.—

20 “(1) REGULATIONS.—Within 90 days after the  
21 date of enactment of the 911 Modernization and  
22 Public Safety Act of 2007, the Commission shall  
23 issue regulations granting IP-enabled voice service  
24 providers right of access to 911 components that are  
25 necessary to provide 911 service, including enhanced

1 911 service, on the same rates, terms, and condi-  
2 tions that are provided commercial mobile services  
3 providers. In promulgating the regulations, the Com-  
4 mission shall take into account any technical, net-  
5 work security, or information privacy issues that are  
6 specific to IP-enabled voice services.

7 “(2) DELEGATION OF ENFORCEMENT TO STATE  
8 COMMISSIONS.—The Commission may delegate au-  
9 thority to enforce the regulations issued under para-  
10 graph (1) to State commissions or other State agen-  
11 cies or programs with jurisdiction over emergency  
12 communications.

13 “(c) IMPLEMENTATION.—

14 “(1) DEADLINE.—The Commission shall pre-  
15 scribe regulations to implement this section within  
16 90 days after the date of enactment of the 911 Mod-  
17 ernization and Public Safety Act of 2007.

18 “(2) LIMITATION.—Nothing in this section  
19 shall be construed to permit the Commission to issue  
20 regulations that require or impose a specific tech-  
21 nology or technology standard.

22 “(3) ENFORCEMENT.—The Commission shall  
23 enforce this section as if this section was a part of  
24 the Communications Act of 1934. For purposes of  
25 this section, any violations of this section, or any

1 regulations promulgated under this section, shall be  
2 considered to be a violation of the Communications  
3 Act of 1934 or a regulation promulgated under that  
4 Act, respectively.

5 “(d) STATE AUTHORITY OVER FEES.—

6 “(1) AUTHORITY.—A fee or charge applicable  
7 to commercial mobile services or IP-enabled voice  
8 services specifically designated by a State, political  
9 subdivision thereof, or Indian tribe for the support  
10 or implementation of 911 or E-911 services that are  
11 subject to or authorized by this Act, the Commu-  
12 nications Act of 1934 (47 U.S.C. 151 et seq.), the  
13 911 Modernization and Public Safety Act of 2007,  
14 or any Federal Communications Commission regula-  
15 tion or order may be obligated or expended only in  
16 support of 911 and E-911 services, or enhance-  
17 ments of such services, or other emergency commu-  
18 nications services as specified in the provision of  
19 State or local law adopting the fee or charge. For  
20 IP-enabled voice services, the fee or charge may not  
21 exceed the amount of any such fee or charge applica-  
22 ble to telecommunications services

23 “(2) FEE ACCOUNTABILITY REPORT.—To en-  
24 sure efficiency, transparency, and accountability in  
25 the collection and expenditure of 911 fees, the Com-

1 mission shall submit a report within 1 year after the  
2 date of enactment of the 911 Modernization and  
3 Public Safety Act of 2007, and annually thereafter,  
4 to the Committee on Commerce, Science and Trans-  
5 portation of the Senate and the Committee on En-  
6 ergy and Commerce of the House of Representatives  
7 detailing the status in each State of the collection  
8 and distribution of 911 fees, and including findings  
9 on the amount of revenues obligated or expended by  
10 each State or political subdivision thereof for any  
11 purpose other than the purpose for which any fee or  
12 charges are presented.”; and

13 (3) in section 7 (as redesignated by paragraph  
14 (1) of this section) by adding at the end the fol-  
15 lowing new paragraphs:

16 “(7) IP-ENABLED VOICE SERVICE.—The term  
17 ‘IP-enabled voice service’ has the meaning given the  
18 term ‘interconnected VoIP service’ by section 9.3 of  
19 the Commission’s regulation (47 CFR 9.3).

20 “(8) NECESSARY 911 COMPONENT.—The term  
21 ‘necessary 911 component’ means any equipment,  
22 network, databases (including automatic location in-  
23 formation databases and master street address  
24 guides), interface, selective router, trunkline, non-  
25 dialable p-ANI numbers, or other related facility

1 necessary as determined by the Commission for the  
2 delivery and completion of 911 or E-911 calls and  
3 information related to such calls.

4 “(9) IP-ENABLED 911 SERVICES.—The term  
5 ‘IP-enabled 911 service’ means any 911 service pro-  
6 vide by an IP-enabled voice service provider, includ-  
7 ing enhanced IP-enabled 911 service.

8 “(10) ENHANCED IP-ENABLED 911 SERVICES.—  
9 The term ‘enhanced IP-enabled 911 service’ means  
10 any enhanced 911 service so designated by the Fed-  
11 eral Communications Commission in its Report and  
12 Order in WC Docket Nos. 04-36 and 05-196, or  
13 any successor proceeding.”

14 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**  
15 **WORK.**

16 (a) IN GENERAL.—Section 158 of the National Tele-  
17 communications and Information Administration Organi-  
18 zation Act (47 U.S.C. 942) is amended—

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

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

24 (3) by inserting after subsection (c) the fol-  
25 lowing new subsection:

1 “(d) MIGRATION PLAN REQUIRED.—

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

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

13 “(A) outline the potential benefits of such  
14 a migration;

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

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

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

22 “(E) provide recommendations on any leg-  
23 islative changes, including updating definitions,  
24 to facilitate a national IP-enabled emergency  
25 network;

1           “(F) assess, collect, and analyze the expe-  
2           riences of the PSAPs and related public safety  
3           authorities who are conducting trial deploy-  
4           ments of IP-enabled emergency networks as of  
5           the date of enactment of the 911 Modernization  
6           and Public Safety Act of 2007;

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

11          “(H) analyze efforts to provide automatic  
12          location and recommendations on needed regu-  
13          latory or legislative changes that are necessary  
14          to achieve automatic location for E-911 pur-  
15          poses.

16          “(3) CONSULTATION.—In developing the plan  
17          required by paragraph (1), the Office shall consult  
18          with representatives of the public safety community,  
19          groups representing those with disabilities, tech-  
20          nology and telecommunications providers, IP-enabled  
21          voice service providers, Telecommunications Relay  
22          Service providers, and other emergency communica-  
23          tions providers and others it deems appropriate.”.

24          (b) AVAILABILITY OF PSAP INFORMATION.—The  
25          Federal Communications Commission may compile a list

1 of public safety answering point contact information, se-  
2 lective router contact information, testing procedures, and  
3 classes and types of services supported by public safety  
4 answering points, or other information concerning nec-  
5 essary 911 components, for the purpose of assisting pro-  
6 viders in complying with this section, and may make any  
7 portion of such information available to the public if such  
8 availability would improve public safety.

9 **TITLE II—PARITY OF**  
10 **PROTECTION**

11 **SEC. 201. LIABILITY.**

12 (a) AMENDMENTS.—Section 4 of the Wireless Com-  
13 munications and Public Safety Act of 1999 (47 U.S.C.  
14 615a) is amended—

15 (1) by striking “**PARITY OF PROTECTION**  
16 **FOR PROVISION OR USE OF WIRELESS SERV-**  
17 **ICE**” and inserting “**SERVICE PROVIDER PARITY**  
18 **OF PROTECTION**”;

19 (2) in subsection (a)—

20 (A) by striking “wireless carrier,” and in-  
21 serting “wireless carrier, IP-enabled voice serv-  
22 ice provider, or other emergency communica-  
23 tions provider,”;

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

1 (C) by striking “emergency calls or emer-  
2 gency services” and inserting “emergency calls,  
3 emergency services, or other emergency commu-  
4 nications services”;

5 (3) in subsection (b)—

6 (A) by striking “using wireless 9–1–1 serv-  
7 ice shall” and inserting “using wireless 9–1–1  
8 service, or making 9–1–1 communications via  
9 IP-enabled voice service or other emergency  
10 communications service, shall”; and

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

15 (4) in subsection (c)—

16 (A) by striking “wireless 9–1–1 commu-  
17 nications, a PSAP” and inserting “9–1–1 com-  
18 munications via wireless 9–1–1 service, IP-en-  
19 abled voice service, or other emergency commu-  
20 nications service, a PSAP”; and

21 (B) by striking “that are not wireless” and  
22 inserting “that are not via wireless 9–1–1 serv-  
23 ice, IP-enabled voice service, or other emer-  
24 gency communications service”.

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

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

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

14 “(A) an entity other than a local exchange  
15 carrier, wireless carrier, or an IP-enabled voice  
16 service provider that is required by the Commis-  
17 sion consistent with the Commission’s authority  
18 under the Communications Act of 1934 to pro-  
19 vide other emergency communications services;  
20 or

21 “(B) in the absence of a Commission re-  
22 quirement as described in subsection 8(A), an  
23 entity that voluntarily elects to provide other  
24 emergency communications services and is spe-  
25 cifically authorized by the appropriate local or

1 State 911 governing authority to provide other  
2 emergency communications services.”.

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

6 **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**  
7 **TION.**

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

10 (1) by inserting “or the user of an IP-enabled  
11 voice service (such as the term is defined section 7  
12 of the Wireless Communications and Public Safety  
13 Act of 1999 (47 U.S.C. 615b))” after “section  
14 332(d))” each place it appears in subsections (d)(4)  
15 and (f)(1);

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

18 (3) in subsection (g)—

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

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

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

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

5           “(2) USE OF AUTOMATIC LOCATION INFORMA-  
6 TION AND MASTER STREET ADDRESS GUIDES EX-  
7 CLUSIVELY FOR EMERGENCY SERVICES.—No tele-  
8 communications carrier or provider of 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)) that provides 911, E-  
12 911, or other emergency communications service,  
13 and no administrator of any database used for the  
14 purpose of facilitating the provision of emergency  
15 services, may use specific or aggregated information  
16 contained in or gathered from automatic location in-  
17 formation databases and master street address  
18 guides that are utilized for the specific purpose of  
19 providing emergency services for any purpose other  
20 than providing emergency services.”.

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