

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 9, 2008

Purpose: To promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and enhanced 911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and enhanced 911 access to those with disabilities.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—110TH Cong., 2D Sess.**

H.R. 3403, 110TH Congress, 2D Session

JUNE —, 2008

INTENDED to be proposed by Mr. _____

Viz: Strike out all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the “New and Emerging
3 Technologies 911 Improvement Act of 2008” or the “NET
4 911 Improvement Act of 2008”.

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

4 **SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERV-**
5 **ICE.**

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

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

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

12 **“SEC. 6. DUTY TO PROVIDE 9-1-1 AND ENHANCED 9-1-1**
13 **SERVICE.**

14 “(a) DUTIES.—It shall be the duty of each IP-en-
15 abled voice service provider to provide 9-1-1 service and
16 enhanced 9-1-1 service to its subscribers in accordance
17 with the requirements of the Federal Communications
18 Commission, as in effect on the date of enactment of the
19 New and Emerging Technologies 911 Improvement Act of
20 2008 and as such requirements may be modified by the
21 Commission from time to time.

22 “(b) PARITY FOR IP-ENABLED VOICE SERVICE PRO-
23 VIDERS.—An IP-enabled voice service provider that seeks
24 capabilities to provide 9-1-1 and enhanced 9-1-1 service
25 from an entity with ownership or control over such capa-

1 bilities, to comply with its obligations under subsection
2 (a), shall, for the exclusive purpose of complying with such
3 obligations, have a right of access to such capabilities, in-
4 cluding interconnection, to provide 9–1–1 and enhanced
5 9–1–1 service on the same rates, terms, and conditions
6 that are provided to a provider of commercial mobile serv-
7 ice (as such term is defined in section 332(d) of the Com-
8 munications Act of 1934 (47 U.S.C. 332(d))), subject to
9 such regulations as the Commission prescribes under sub-
10 section (c).

11 “(c) REGULATIONS.—The Commission—

12 “(1) within 90 days after the date of enactment
13 of the New and Emerging Technologies 911 Im-
14 provement Act of 2008, shall issue regulations im-
15 plementing such Act, including regulations that—

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

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

23 “(C) provide, with respect to any capabili-
24 ties that are not required to be made available
25 to a commercial mobile service provider but

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

10 “(2) shall require IP-enabled voice service pro-
11 viders to which the regulations apply to register with
12 the Commission and to establish a point of contact
13 for public safety and government officials relative to
14 9–1–1 and enhanced 9–1–1 service and access; and

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

21 “(d) DELEGATION OF ENFORCEMENT TO STATE
22 COMMISSIONS.—The Commission may delegate authority
23 to enforce the regulations issued under subsection (c) to
24 State commissions or other State or local agencies or pro-
25 grams with jurisdiction over emergency communications.

1 Nothing in this section is intended to alter the authority
2 of State commissions or other State or local agencies with
3 jurisdiction over emergency communications, provided
4 that the exercise of such authority is not inconsistent with
5 Federal law or Commission requirements.

6 “(e) IMPLEMENTATION.—

7 “(1) LIMITATION.—Nothing in this section
8 shall be construed to permit the Commission to issue
9 regulations that require or impose a specific tech-
10 nology or technological standard.

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

19 “(f) STATE AUTHORITY OVER FEES.—

20 “(1) AUTHORITY.—Nothing in this Act, the
21 Communications Act of 1934 (47 U.S.C. 151 et
22 seq.), the New and Emerging Technologies 911 Im-
23 provement Act of 2008, or any Commission regula-
24 tion or order shall prevent the imposition and collec-
25 tion of a fee or charge applicable to commercial mo-

1 bile services or IP-enabled voice services specifically
2 designated by a State, political subdivision thereof,
3 Indian tribe, or village or regional corporation serv-
4 ing a region established pursuant to the Alaska Na-
5 tive Claims Settlement Act, as amended (85 Stat.
6 688) for the support or implementation of 9-1-1 or
7 enhanced 9-1-1 services, provided that the fee or
8 charge is obligated or expended only in support of
9 9-1-1 and enhanced 9-1-1 services, or enhance-
10 ments of such services, as specified in the provision
11 of State or local law adopting the fee or charge. For
12 each class of subscribers to IP-enabled voice serv-
13 ices, the fee or charge may not exceed the amount
14 of any such fee or charge applicable to the same
15 class of subscribers to telecommunications services.

16 “(2) FEE ACCOUNTABILITY REPORT.—To en-
17 sure efficiency, transparency, and accountability in
18 the collection and expenditure of a fee or charge for
19 the support or implementation of 9-1-1 or enhanced
20 9-1-1 services, the Commission shall submit a re-
21 port within 1 year after the date of enactment of the
22 New and Emerging Technologies 911 Improvement
23 Act of 2008, and annually thereafter, to the Com-
24 mittee on Commerce, Science and Transportation of
25 the Senate and the Committee on Energy and Com-

1 merce of the House of Representatives detailing the
2 status in each State of the collection and distribu-
3 tion of such fees or charges, and including findings
4 on the amount of revenues obligated or expended by
5 each State or political subdivision thereof for any
6 purpose other than the purpose for which any such
7 fees or charges are specified.

8 “(g) AVAILABILITY OF PSAP INFORMATION.—The
9 Commission may compile a list of public safety answering
10 point contact information, contact information for pro-
11 viders of selective routers, testing procedures, classes and
12 types of services supported by public safety answering
13 points, and other information concerning 9–1–1 and en-
14 hanced 9–1–1 elements, for the purpose of assisting IP-
15 enabled voice service providers in complying with this sec-
16 tion, and may make any portion of such information avail-
17 able to telecommunications carriers, wireless carriers, IP-
18 enabled voice service providers, other emergency service
19 providers, or the vendors to or agents of any such carriers
20 or providers, if such availability would improve public safe-
21 ty.

22 “(h) DEVELOPMENT OF STANDARDS.—The Commis-
23 sion shall work cooperatively with public safety organiza-
24 tions, industry participants, and the E–911 Implementa-
25 tion Coordination Office to develop best practices that pro-

1 mote consistency, where appropriate, including procedures
2 for—

3 “(1) defining geographic coverage areas for
4 public safety answering points;

5 “(2) defining network diversity requirements
6 for delivery of IP-enabled 9–1–1 and enhanced 9–1–
7 1 calls;

8 “(3) call-handling in the event of call overflow
9 or network outages;

10 “(4) public safety answering point certification
11 and testing requirements;

12 “(5) validation procedures for inputting and up-
13 dating location information in relevant databases;
14 and

15 “(6) the format for delivering address informa-
16 tion to public safety answering points.

17 “(i) RULE OF CONSTRUCTION.—Nothing in the New
18 and Emerging Technologies 911 Improvement Act of 2008
19 shall be construed as altering, delaying, or otherwise lim-
20 iting the ability of the Commission to enforce the Federal
21 actions taken or rules adopted obligating an IP-enabled
22 voice service provider to provide 9–1–1 or enhanced 9–
23 1–1 service as of the date of enactment of the New and
24 Emerging Technologies 911 Improvement Act of 2008.”;
25 and

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

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

9 **SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NET-**
10 **WORK.**

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

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

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

19 (3) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) MIGRATION PLAN REQUIRED.—

22 “(1) NATIONAL PLAN REQUIRED.—No more
23 than 270 days after the date of enactment of the
24 New and Emerging Technologies 911 Improvement
25 Act of 2008, the Office shall develop and report to

1 Congress on a national plan for migrating to a na-
2 tional IP-enabled emergency network capable of re-
3 ceiving and responding to all citizen-activated emer-
4 gency communications and improving information
5 sharing among all emergency response entities.

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

8 “(A) outline the potential benefits of such
9 a migration;

10 “(B) identify barriers that must be over-
11 come and funding mechanisms to address those
12 barriers;

13 “(C) provide specific mechanisms for en-
14 suring the IP-enabled emergency network is
15 available in every community and is coordinated
16 on a local, regional, and statewide basis;

17 “(D) identify location technology for no-
18 madic devices and for office buildings and
19 multi-dwelling units;

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

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

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

1 that are necessary to facilitate a national IP-en-
2 abled emergency network;

3 “(H) 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 New and Emerging Technologies
9 911 Improvement Act of 2008;

10 “(I) identify solutions for providing 9–1–1
11 and enhanced 9–1–1 access to those with dis-
12 abilities and needed steps to implement such so-
13 lutions, including a recommended timeline; and

14 “(J) analyze efforts to provide automatic
15 location for enhanced 9–1–1 services and pro-
16 vide recommendations on regulatory or legisla-
17 tive changes that are necessary to achieve auto-
18 matic location for enhanced 9–1–1 services.

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 “(8) 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 9–1–1
4 and enhanced 9–1–1 service.

5 “(9) 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 Federal
11 Communications Commission consistent with
12 the Commission’s authority under the Commu-
13 nications Act of 1934 to provide other emer-
14 gency communications services; or

15 “(B) in the absence of a Commission re-
16 quirement as described in subparagraph (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 9–1–1 service governing authority to pro-
21 vide other emergency communications services.

22 “(10) ENHANCED 9–1–1 SERVICE.—The term
23 ‘enhanced 9–1–1 service’ means the delivery of 9–1–
24 1 calls with automatic number identification and
25 automatic location identification, or successor or

1 equivalent information features over the wireline
2 E911 network (as defined in section 9.3 of the Fed-
3 eral Communications Commission’s regulations (47
4 C.F.R. 9.3) as of the date of enactment of the New
5 and Emerging Technologies 911 Improvement Act of
6 2008) and equivalent or successor networks and
7 technologies. The term also includes any enhanced
8 9–1–1 service so designated by the Commission in
9 its Report and Order in WC Docket Nos. 04-36 and
10 05-196, or any successor proceeding.”.

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

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

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

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

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

1 (3) in subsection (g), by inserting “or a pro-
2 vider of IP-enabled voice service (as such term is de-
3 fined in section 7 of the Wireless Communications
4 and Public Safety Act of 1999 (47 U.S.C. 615b))”
5 after “telephone exchange service”.

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