

110th CONGRESS

2d Session  
S. 428

AN ACT  
To amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

· Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

· This Act may be cited as the `IP -Enabled Voice Communications and Public Safety Act of 2007'.

SEC. 2. DUTY TO PROVIDE 9-1-1 AND E-9-1-1 SERVICE.

· (a) IN GENERAL- The Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615 et seq.) is amended by adding at the end the following:

`SEC. 7. IP -ENABLED VOICE SERVICE PROVIDERS.

· `(a) IN GENERAL- It shall be the duty of every IP -enabled voice service provider engaged in interstate or foreign communication to provide 9-1-1 service, including enhanced 9-1-1 service, to its subscribers in accordance with orders of the Commission in effect on the date of enactment of the IP -Enabled Voice Communications and Public Safety Act of 2007, as such orders may be modified by the Commission from time to time.

· `(b) Access to 9-1-1 Components-

○ `(1) REGULATIONS- Within 90 days after the date of enactment of the IP -Enabled Voice Communications and Public Safety Act of 2007, the Commission shall issue regulations granting IP -enabled voice service providers right of access to 9-1-1 components that are necessary to provide 9-1-1 service, on the same rates, terms, and conditions that are provided to commercial mobile service providers. In promulgating the regulations, the Commission shall take into account any technical, network security, or information privacy issues that are specific to IP -enabled voice services, including the security of 9-1-1 networks. The Commission shall require IP -enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 service and access.

○ `(2) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS- The Commission may delegate authority to enforce the regulations issued under paragraph (1) to State commissions or other State agencies or programs with jurisdiction over emergency communications.

· `(c) SAVINGS CLAUSE- Nothing in the IP -Enabled Voice Communications and Public Safety Act of 2007 shall be construed as repealing or otherwise altering, modifying, affecting, or superseding Federal regulations obligating an IP -enabled voice service provider to provide 9-1-1 service or enhanced 9-1-1 service.

· `(d) LIMITATION ON COMMISSION- Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

· `(e) FCC Authority To Require 9-1-1 Service- The Commission may require any provider of a voice service that is a substitute for telephone exchange service (as defined in section 3(47) of the Communications Act of 1934 (47 U.S.C. 153(47))) to provide 9-1-1 service,

including enhanced 9-1-1 service, to its subscribers. Nothing in this subsection shall limit or otherwise affect the authority of the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).'.

· (b) DEFINITIONS- Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end thereof the following:

○ `(8) IP -ENABLED VOICE SERVICE- The term `IP -enabled voice service' has the meaning given the term `Interconnected VoIP Service' by section 9.3 of the Commission's regulations (47 C.F.R. 9.3).

○ `(9) IP -enabled 9-1-1 service- The term `IP -enabled 9-1-1 service' means any 9-1-1 service provided by an IP -enabled voice service provider, including enhanced IP -enabled 9-1-1 service.

○ `(10) Enhanced ip -enabled 9-1-1 service- The term `enhanced IP -enabled 9-1-1 service' means any enhanced 9-1-1 service so designated by the Federal Communications Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.

○ `(11) 9-1-1 component- The term `9-1-1 component' means any equipment, network, databases (including automatic location information databases and master street address guides), interface, selective router, trunkline, non-dialable p-ANI's, or other related facility necessary for the delivery and completion of 9-1-1 or E-9-1-1 calls and information related to such calls, as determined by the Commission.'.

### SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE OF IP -ENABLED VOICE SERVICE.

· (a) IN GENERAL- Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended--

○ (1) by striking `carrier,' in subsection (a) and inserting `carrier, IP -enabled voice service provider, or alternative emergency communications service provider,';

○ (2) by striking `its' the first place it appears in subsection (a) and inserting `their';

○ (3) by striking `emergency calls or emergency services.' in subsection (a) and inserting `emergency calls, emergency services, or alternative emergency communications services.';

○ (4) by striking `service shall' in subsection (b) and inserting `service, or IP -enabled voice service, shall';

○ (5) by striking `wireless.' in subsection (b) and inserting `wireless, IP -enabled , or alternative emergency communications.';

○ (6) by striking `communications,' in subsection (c) and inserting `communications, IP -enabled voice service communications, or alternative emergency communications,'; and

○ (7) by striking `wireless.' in subsection (c) and inserting `wireless, IP -enabled , or alternative emergency communications.'.

· (b) DEFINITIONS- Section 6 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b), as amended by section 2(b), is further amended by adding at the end thereof the following:

○ `(12) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE- The term `alternative emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 Services.

○ `(13) ALTERNATIVE EMERGENCY COMMUNICATIONS SERVICE PROVIDER- The term `alternative emergency communications service provider' means an entity other than a local exchange carrier, wireless carrier, or an IP -enabled voice service provider that is required by the Commission or, in the absence of any such requirement, is specifically authorized by the appropriate local or State 9-1-1 governing authority, to provide alternative emergency communications services.'.

#### SEC. 4. STATE AUTHORITY OF FEES.

· Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any Federal Communications Commission regulation or order shall prevent the imposition on, or collection by, a provider of IP -enabled voice services or commercial mobile service, of any fee or charge specifically designated by a State, political subdivision thereof, or Indian tribe for the support of 9-1-1 or E 099-1-1 services if that fee or charge--

○ (1) for IP -enabled voice services, does not exceed the amount of any such fee or charge imposed on or collected by a provider of telecommunications services; and

○ (2) is obligated or expended in support of 9-1-1 and E 099-1-1 services, or enhancements of such services, or other emergency communications services as specified in the provision of State or local law adopting the fee or charge.

#### SEC. 5. FEE ACCOUNTABILITY.

· To ensure efficiency, transparency, and accountability in the collection and expenditure of 9-1-1 fees, the Federal Communications Commission shall submit a report within 1 year after the date of enactment of this Act, and annually thereafter, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce detailing the status in each State of the collection and distribution of 9-1-1 fees and include findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

#### SEC. 6. MIGRATION TO IP -ENABLED EMERGENCY NETWORK.

· (a) IN GENERAL- Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended--

○ (1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

○ (2) by inserting after subsection (c) the following:

· `(d) Migration Plan Required-

○ `(1) NATIONAL PLAN REQUIRED- No more than 270 days after the date of the enactment of the IP -Enabled Voice Communications and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP -enabled emergency network capable of receiving and responding to all citizen activated emergency communications and improving information sharing among all emergency response entities.

○ `(2) CONTENTS OF PLAN- The plan required by paragraph (1) shall--

▪ `(A) outline the potential benefits of such a migration;

▪ `(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

▪ `(C) provide specific mechanisms for ensuring the IP -enabled emergency network is available in every community and is coordinated on a local, regional, and Statewide basis;

- `(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;
- `(E) include a proposed timetable, an outline of costs and potential savings;
- `(F) provide specific legislative language, if necessary, for achieving the plan;
- `(G) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP -enabled emergency network;
- `(H) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP -enabled emergency networks as of the date of enactment of the IP -Enabled Voice Communications and Public Safety Act of 2007;
- `(I) document solutions that a national IP -enabled emergency network will provide for 9-1-1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline for such implementation; and
- `(J) analyze technologies and efforts to provide automatic location capabilities and provide recommendations on needed regulatory or legislative changes necessary to implement automatic location solutions for 9-1-1 purposes.

○ `(3) CONSULTATION- In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, and others it deems appropriate.'; and

○ (3) by striking `services.' in subsection (b)(1) and inserting `services, and for migration to an IP -enabled emergency network.'.

· (b) AVAILABILITY OF PSAP INFORMATION- The Federal Communications Commission may compile a list of public safety answering point contact information, as well as contact information for 9-1-1 component providers, for the purpose of assisting IP -enabled voice service providers and others in complying with this Act and section 158(d) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(d)) as amended by subsection (a), and may make any portion of such information available to the public if such availability would improve public safety.

· (c) DEVELOPMENT OF STANDARDS- The Federal Communications Commission shall work cooperatively with public safety organizations, industry participants, and the E-9-1-1 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for--

- (1) defining geographic coverage areas for Public Safety Answering Points;
- (2) defining network diversity requirements for delivery of IP -enabled 9-1-1 calls;
- (3) call-handling in the event of call overflow or network outages;
- (4) Public Safety Answering Point certification and testing requirements;
- (5) validation procedures for inputting and updating location information in relevant databases; and
- (6) the format for delivering address information to Public Safety Answering Points.

## SEC. 7. ENFORCEMENT.

- The Federal Communications Commission shall enforce the Wireless Communications and

Public Safety Act of 1999 (47 U.S.C. 615a) as if that Act were part of the Communications Act of 1934. For purposes of this section, any violation of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a), or any regulation promulgated under that Act, is deemed to be a violation of the Communications Act of 1934 or a regulation promulgated under the Communications Act of 1934, respectively.

#### SEC. 8. COMPLETION OF THE HATFIELD REPORT.

· (a) IN GENERAL- Not later than 30 days after the date of enactment of this Act, the Federal Communications Commission shall remit all amounts promised for the completion of an update to the Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 9-1-1 Services by Dale N. Hatfield filed at the Commission on October 15, 2002, in WT Docket No. 02-46.

· (b) SUBMISSION OF REPORT- Mr. Hatfield shall submit his written findings as of May 1, 2006, to the Federal Communications Commission not later than 60 days after receiving the payment described in subsection (a).

#### SEC. 9. 9/11 COMMISSION ACT OF 2007.

· Section 2301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note) is amended by striking `the `Improving Emergency Communications Act of 2007'.' and inserting `the `911 Modernization Act'.'. Passed the Senate February 26, 2008.