

110TH CONGRESS
2D SESSION

S. 428

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “IP-Enabled Voice
3 Communications and Public Safety Act of 2007”.

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

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

8 **“SEC. 7. IP-ENABLED VOICE SERVICE PROVIDERS.**

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

17 “(b) ACCESS TO 9-1-1 COMPONENTS.—

18 “(1) REGULATIONS.—Within 90 days after the
19 date of enactment of the IP-Enabled Voice Commu-
20 nications and Public Safety Act of 2007, the Com-
21 mission shall issue regulations granting IP-enabled
22 voice service providers right of access to 9-1-1 com-
23 ponents that are necessary to provide 9-1-1 service,
24 on the same rates, terms, and conditions that are
25 provided to commercial mobile service providers. In
26 promulgating the regulations, the Commission shall

1 take into account any technical, network security, or
 2 information privacy issues that are specific to IP-en-
 3 abled voice services, including the security of 9–1–
 4 1 networks. The Commission shall require IP-en-
 5 abled voice service providers to which the regulations
 6 apply to register with the Commission and to estab-
 7 lish a point of contact for public safety and govern-
 8 ment officials relative to 9–1–1 service and access.

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

15 “(c) SAVINGS CLAUSE.—Nothing in the IP-Enabled
 16 Voice Communications and Public Safety Act of 2007
 17 shall be construed as repealing or otherwise altering,
 18 modifying, affecting, or superseding Federal regulations
 19 obligating an IP-enabled voice service provider to provide
 20 9–1–1 service or enhanced 9–1–1 service.

21 “(d) LIMITATION ON COMMISSION.—Nothing in this
 22 section shall be construed to permit the Commission to
 23 issue regulations that require or impose a specific tech-
 24 nology or technological standard.

1 “(e) FCC AUTHORITY TO REQUIRE 9–1–1 SERV-
 2 ICE.—The Commission may require any provider of a
 3 voice service that is a substitute for telephone exchange
 4 service (as defined in section 3(47) of the Communications
 5 Act of 1934 (47 U.S.C. 153(47))) to provide 9–1–1 serv-
 6 ice, including enhanced 9–1–1 service, to its subscribers.
 7 Nothing in this subsection shall limit or otherwise affect
 8 the authority of the Commission under the Communica-
 9 tions Act of 1934 (47 U.S.C. 151 et seq.).”.

10 (b) DEFINITIONS.—Section 6 of the Wireless Com-
 11 munications and Public Safety Act of 1999 (47 U.S.C.
 12 615b) is amended by adding at the end thereof the fol-
 13 lowing:

14 “(8) IP-ENABLED VOICE SERVICE.—The term
 15 ‘IP-enabled voice service’ has the meaning given the
 16 term ‘Interconnected VoIP Service’ by section 9.3 of
 17 the Commission’s regulations (47 C.F.R. 9.3).

18 “(9) IP-ENABLED 9–1–1 SERVICE.—The term
 19 ‘IP-enabled 9–1–1 service’ means any 9–1–1 service
 20 provided by an IP-enabled voice service provider, in-
 21 cluding enhanced IP-enabled 9–1–1 service.

22 “(10) ENHANCED IP-ENABLED 9–1–1 SERV-
 23 ICE.—The term ‘enhanced IP-enabled 9–1–1 service’
 24 means any enhanced 9–1–1 service so designated by
 25 the Federal Communications Commission in its Re-

1 port and Order in WC Docket Nos. 04–36 and 05–
 2 196, or any successor proceeding.

3 “(11) 9–1–1 COMPONENT.—The term ‘9–1–1
 4 component’ means any equipment, network, data-
 5 bases (including automatic location information
 6 databases and master street address guides), inter-
 7 face, selective router, trunkline, non-dialable p-
 8 ANI’s, or other related facility necessary for the de-
 9 livery and completion of 9–1–1 or E-9–1–1 calls
 10 and information related to such calls, as determined
 11 by the Commission.”.

12 **SEC. 3. PARITY OF PROTECTION FOR PROVISION OR USE**
 13 **OF IP-ENABLED VOICE SERVICE.**

14 (a) IN GENERAL.—Section 4 of the Wireless Commu-
 15 nications and Public Safety Act of 1999 (47 U.S.C. 615a)
 16 is amended—

17 (1) by striking “carrier,” in subsection (a) and
 18 inserting “carrier, IP-enabled voice service provider,
 19 or alternative emergency communications service
 20 provider,”;

21 (2) by striking “its” the first place it appears
 22 in subsection (a) and inserting “their”;

23 (3) by striking “emergency calls or emergency
 24 services.” in subsection (a) and inserting “emer-

1 agency calls, emergency services, or alternative emer-
 2 gency communications services.”;

3 (4) by striking “service shall” in subsection (b)
 4 and inserting “service, or IP-enabled voice service,
 5 shall”;

6 (5) by striking “wireless.” in subsection (b) and
 7 inserting “wireless, IP-enabled, or alternative emer-
 8 gency communications.”;

9 (6) by striking “communications,” in subsection
 10 (c) and inserting “communications, IP-enabled voice
 11 service communications, or alternative emergency
 12 communications,”; and

13 (7) by striking “wireless.” in subsection (c) and
 14 inserting “wireless, IP-enabled, or alternative emer-
 15 gency communications.”.

16 (b) DEFINITIONS.—Section 6 of the Wireless Com-
 17 munications and Public Safety Act of 1999 (47 U.S.C.
 18 615b), as amended by section 2(b), is further amended
 19 by adding at the end thereof the following:

20 “(12) ALTERNATIVE EMERGENCY COMMUNICA-
 21 TIONS SERVICE.—The term ‘alternative emergency
 22 communications service’ means the provision of
 23 emergency information to a public safety answering
 24 point via wire or radio communications, and may in-
 25 clude 9–1–1 and enhanced 9–1–1 Services.

1 “(13) ALTERNATIVE EMERGENCY COMMUNICA-
 2 TIONS SERVICE PROVIDER.—The term ‘alternative
 3 emergency communications service provider’ means
 4 an entity other than a local exchange carrier, wire-
 5 less carrier, or an IP-enabled voice service provider
 6 that is required by the Commission or, in the ab-
 7 sence of any such requirement, is specifically author-
 8 ized by the appropriate local or State 9–1–1 gov-
 9 erning authority, to provide alternative emergency
 10 communications services.”.

11 **SEC. 4. STATE AUTHORITY OF FEES.**

12 Nothing in this Act, the Communications Act of 1934
 13 (47 U.S.C. 151 et seq.), the Wireless Communications and
 14 Public Safety Act of 1999 (47 U.S.C. 615a), or any Fed-
 15 eral Communications Commission regulation or order shall
 16 prevent the imposition on, or collection by, a provider of
 17 IP-enabled voice services or commercial mobile service, of
 18 any fee or charge specifically designated by a State, polit-
 19 ical subdivision thereof, or Indian tribe for the support
 20 of 9–1–1 or E 099–1–1 services if that fee or charge—

21 (1) for IP-enabled voice services, does not ex-
 22 ceed the amount of any such fee or charge imposed
 23 on or collected by a provider of telecommunications
 24 services; and

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

6 **SEC. 5. FEE ACCOUNTABILITY.**

7 To ensure efficiency, transparency, and account-
 8 ability in the collection and expenditure of 9–1–1 fees, the
 9 Federal Communications Commission shall submit a re-
 10 port within 1 year after the date of enactment of this Act,
 11 and annually thereafter, to the Senate Committee on Com-
 12 merce, Science, and Transportation and the House of Rep-
 13 resentatives Committee on Energy and Commerce detail-
 14 ing the status in each State of the collection and distribu-
 15 tion of 9–1–1 fees and include findings on the amount of
 16 revenues obligated or expended by each State or political
 17 subdivision thereof for any purpose other than the purpose
 18 for which any fee or charges are presented.

19 **SEC. 6. MIGRATION TO IP-ENABLED EMERGENCY NET-**
 20 **WORK.**

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

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

1 (2) by inserting after subsection (c) the fol-
 2 lowing:

3 “(d) MIGRATION PLAN REQUIRED.—

4 “(1) NATIONAL PLAN REQUIRED.—No more
 5 than 270 days after the date of the enactment of the
 6 IP-Enabled Voice Communications and Public Safe-
 7 ty Act of 2007, the Office shall develop and report
 8 to Congress on a national plan for migrating to a
 9 national IP-enabled emergency network capable of
 10 receiving and responding to all citizen activated
 11 emergency communications and improving informa-
 12 tion sharing among all emergency response entities.

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

15 “(A) outline the potential benefits of such
 16 a migration;

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

20 “(C) provide specific mechanisms for en-
 21 suring the IP-enabled emergency network is
 22 available in every community and is coordinated
 23 on a local, regional, and Statewide basis;

1 “(D) identify location technology for no-
2 madic devices and for office buildings and
3 multi-dwelling units;

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

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

8 “(G) provide recommendations on any leg-
9 islative changes, including updating definitions,
10 to facilitate a national IP-enabled emergency
11 network;

12 “(H) assess, collect, and analyze the expe-
13 riences of the PSAPs and related public safety
14 authorities who are conducting trial deploy-
15 ments of IP-enabled emergency networks as of
16 the date of enactment of the IP-Enabled Voice
17 Communications and Public Safety Act of
18 2007;

19 “(I) document solutions that a national IP-
20 enabled emergency network will provide for 9–
21 1–1 access to those with disabilities and needed
22 steps to implement such solutions, including a
23 recommended timeline for such implementation;
24 and

1 “(J) analyze technologies and efforts to
2 provide automatic location capabilities and pro-
3 vide recommendations on needed regulatory or
4 legislative changes necessary to implement auto-
5 matic location solutions for 9–1–1 purposes.

6 “(3) CONSULTATION.—In developing the plan
7 required by paragraph (1), the Office shall consult
8 with representatives of the public safety community,
9 groups representing those with disabilities, tech-
10 nology and telecommunications providers, and others
11 it deems appropriate.”; and

12 (3) by striking “services.” in subsection (b)(1)
13 and inserting “services, and for migration to an IP-
14 enabled emergency network.”.

15 (b) AVAILABILITY OF PSAP INFORMATION.—The
16 Federal Communications Commission may compile a list
17 of public safety answering point contact information, as
18 well as contact information for 9–1–1 component pro-
19 viders, for the purpose of assisting IP-enabled voice serv-
20 ice providers and others in complying with this Act and
21 section 158(d) of the National Telecommunications and
22 Information Administration Organization Act (47 U.S.C.
23 942(d)) as amended by subsection (a), and may make any
24 portion of such information available to the public if such
25 availability would improve public safety.

1 (c) DEVELOPMENT OF STANDARDS.—The Federal
2 Communications Commission shall work cooperatively
3 with public safety organizations, industry participants,
4 and the E-9-1-1 Implementation Coordination Office to
5 develop best practices that promote consistency, where ap-
6 propriate, including procedures for—

7 (1) defining geographic coverage areas for Pub-
8 lic Safety Answering Points;

9 (2) defining network diversity requirements for
10 delivery of IP-enabled 9-1-1 calls;

11 (3) call-handling in the event of call overflow or
12 network outages;

13 (4) Public Safety Answering Point certification
14 and testing requirements;

15 (5) validation procedures for inputting and up-
16 dating location information in relevant databases;
17 and

18 (6) the format for delivering address informa-
19 tion to Public Safety Answering Points.

20 **SEC. 7. ENFORCEMENT.**

21 The Federal Communications Commission shall en-
22 force the Wireless Communications and Public Safety Act
23 of 1999 (47 U.S.C. 615a) as if that Act were part of the
24 Communications Act of 1934. For purposes of this sec-
25 tion, any violation of the Wireless Communications and

1 Public Safety Act of 1999 (47 U.S.C. 615a), or any regu-
 2 lation promulgated under that Act, is deemed to be a vio-
 3 lation of the Communications Act of 1934 or a regulation
 4 promulgated under the Communications Act of 1934, re-
 5 spectively.

6 **SEC. 8. COMPLETION OF THE HATFIELD REPORT.**

7 (a) IN GENERAL.—Not later than 30 days after the
 8 date of enactment of this Act, the Federal Communica-
 9 tions Commission shall remit all amounts promised for the
 10 completion of an update to the Report on Technical and
 11 Operational Issues Impacting the Provision of Wireless
 12 Enhanced 9–1–1 Services by Dale N. Hatfield filed at the
 13 Commission on October 15, 2002, in WT Docket No. 02–
 14 46.

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

19 **SEC. 9. 9/11 COMMISSION ACT OF 2007.**

20 Section 2301 of the Implementing Recommendations
 21 of the 9/11 Commission Act of 2007 (47 U.S.C. 901 note)
 22 is amended by striking “the ‘Improving Emergency Com-

1 munications Act of 2007’.” and inserting “the ‘911 Mod-
 2 ernization Act’.”.

Passed the Senate February 26, 2008.

Attest:

Secretary.

110TH CONGRESS
2D SESSION

S. 428

AN ACT

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