

In the Senate of the United States,

June 16, 2008.

Resolved, That the bill from the House of Representatives (H.R. 3403) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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 new*
11 *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-enabled*
15 *voice service provider to provide 9-1-1 service and en-*
16 *hanced 9-1-1 service to its subscribers in accordance with*
17 *the requirements of the Federal Communications Commis-*
18 *sion, as in effect on the date of enactment of the New and*
19 *Emerging Technologies 911 Improvement Act of 2008 and*
20 *as such requirements may be modified by the Commission*
21 *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 (a),*
2 *shall, for the exclusive purpose of complying with such obli-*
3 *gations, have a right of access to such capabilities, includ-*
4 *ing interconnection, to provide 9–1–1 and enhanced 9–1–*
5 *1 service on the same rates, terms, and conditions that are*
6 *provided to a provider of commercial mobile service (as such*
7 *term is defined in section 332(d) of the Communications*
8 *Act of 1934 (47 U.S.C. 332(d))), subject to such regulations*
9 *as the Commission prescribes under subsection (c).*

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

11 “(1) *within 90 days after the date of enactment*
12 *of the New and Emerging Technologies 911 Improve-*
13 *ment Act of 2008, shall issue regulations imple-*
14 *menting such Act, including regulations that—*

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

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

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

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

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

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

19 *“(d) DELEGATION OF ENFORCEMENT TO STATE COM-*
20 *MISSIONS.—The Commission may delegate authority to en-*
21 *force the regulations issued under subsection (c) to State*
22 *commissions or other State or local agencies or programs*
23 *with jurisdiction over emergency communications. Nothing*
24 *in this section is intended to alter the authority of State*
25 *commissions or other State or local agencies with jurisdic-*

1 *tion over emergency communications, provided that the ex-*
2 *ercise of such authority is not inconsistent with Federal law*
3 *or Commission requirements.*

4 “(e) *IMPLEMENTATION.*—

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

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

17 “(f) *STATE AUTHORITY OVER FEES.*—

18 “(1) *AUTHORITY.*—*Nothing in this Act, the Com-*
19 *munications Act of 1934 (47 U.S.C. 151 et seq.), the*
20 *New and Emerging Technologies 911 Improvement*
21 *Act of 2008, or any Commission regulation or order*
22 *shall prevent the imposition and collection of a fee or*
23 *charge applicable to commercial mobile services or*
24 *IP-enabled voice services specifically designated by a*
25 *State, political subdivision thereof, Indian tribe, or*

1 *village or regional corporation serving a region estab-*
2 *lished pursuant to the Alaska Native Claims Settle-*
3 *ment Act, as amended (85 Stat. 688) for the support*
4 *or implementation of 9–1–1 or enhanced 9–1–1 serv-*
5 *ices, provided that the fee or charge is obligated or ex-*
6 *pended only in support of 9–1–1 and enhanced 9–1–*
7 *1 services, or enhancements of such services, as speci-*
8 *fied in the provision of State or local law adopting*
9 *the fee or charge. For each class of subscribers to IP-*
10 *enabled voice services, the fee or charge may not ex-*
11 *ceed the amount of any such fee or charge applicable*
12 *to the same class of subscribers to telecommunications*
13 *services.*

14 “(2) *FEE ACCOUNTABILITY REPORT.*—*To ensure*
15 *efficiency, transparency, and accountability in the*
16 *collection and expenditure of a fee or charge for the*
17 *support or implementation of 9–1–1 or enhanced 9–*
18 *1–1 services, the Commission shall submit a report*
19 *within 1 year after the date of enactment of the New*
20 *and Emerging Technologies 911 Improvement Act of*
21 *2008, and annually thereafter, to the Committee on*
22 *Commerce, Science and Transportation of the Senate*
23 *and the Committee on Energy and Commerce of the*
24 *House of Representatives detailing the status in each*
25 *State of the collection and distribution of such fees or*

1 *charges, and including findings on the amount of rev-*
2 *enues obligated or expended by each State or political*
3 *subdivision thereof for any purpose other than the*
4 *purpose for which any such fees or charges are speci-*
5 *fied.*

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

19 “(h) *DEVELOPMENT OF STANDARDS.—The Commis-*
20 *sion shall work cooperatively with public safety organiza-*
21 *tions, industry participants, and the E–911 Implementa-*
22 *tion Coordination Office to develop best practices that pro-*
23 *mote consistency, where appropriate, including procedures*
24 *for—*

1 “(1) *defining geographic coverage areas for public*
2 *safety answering points;*

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

6 “(3) *call-handling in the event of call overflow or*
7 *network outages;*

8 “(4) *public safety answering point certification*
9 *and testing requirements;*

10 “(5) *validation procedures for inputting and up-*
11 *dating location information in relevant databases;*
12 *and*

13 “(6) *the format for delivering address informa-*
14 *tion to public safety answering points.*

15 “(i) *RULE OF CONSTRUCTION.—Nothing in the New*
16 *and Emerging Technologies 911 Improvement Act of 2008*
17 *shall be construed as altering, delaying, or otherwise lim-*
18 *iting the ability of the Commission to enforce the Federal*
19 *actions taken or rules adopted obligating an IP-enabled*
20 *voice service provider to provide 9–1–1 or enhanced 9–1–*
21 *1 service as of the date of enactment of the New and Emerg-*
22 *ing Technologies 911 Improvement Act of 2008.”; 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 enactment of the New and*
21 *Emerging Technologies 911 Improvement Act of 2008,*
22 *the Office shall develop and report to Congress on a*
23 *national 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) *provide specific mechanisms for ensur-*
11 *ing the IP-enabled emergency network is avail-*
12 *able in every community and is coordinated on*
13 *a local, regional, and statewide basis;*

14 “(D) *identify location technology for no-*
15 *madic devices and for office buildings and multi-*
16 *dwelling units;*

17 “(E) *include a proposed timetable, an out-*
18 *line of costs, and potential savings;*

19 “(F) *provide specific legislative language, if*
20 *necessary, for achieving the plan;*

21 “(G) *provide recommendations on any legis-*
22 *lative changes, including updating definitions,*
23 *that are necessary to facilitate a national IP-en-*
24 *abled emergency network;*

1 “(H) assess, collect, and analyze the experi-
2 ences of the public safety answering points and
3 related public safety authorities who are con-
4 ducting trial deployments of IP-enabled emer-
5 gency networks as of the date of enactment of the
6 New and Emerging Technologies 911 Improve-
7 ment Act of 2008;

8 “(I) identify solutions for providing 9–1–1
9 and enhanced 9–1–1 access to those with disabil-
10 ities and needed steps to implement such solu-
11 tions, including a recommended timeline; and

12 “(J) analyze efforts to provide automatic lo-
13 cation for enhanced 9–1–1 services and provide
14 recommendations on regulatory or legislative
15 changes that are necessary to achieve automatic
16 location for enhanced 9–1–1 services.

17 “(3) CONSULTATION.—In developing the plan re-
18 quired by paragraph (1), the Office shall consult with
19 representatives of the public safety community, groups
20 representing those with disabilities, technology and
21 telecommunications providers, IP-enabled voice serv-
22 ice providers, Telecommunications Relay Service pro-
23 viders, and other emergency communications pro-
24 viders and others it deems appropriate.”.

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 “**SERV-*****
10 ***ICE 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 “(8) *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 9–1–1*
2 *and enhanced 9–1–1 service.*

3 “(9) *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 9–1–1 service governing authority to pro-*
19 *vide other emergency communications services.*

20 “(10) *ENHANCED 9–1–1 SERVICE.*—*The term ‘en-*
21 *hanced 9–1–1 service’ means the delivery of 9–1–1*
22 *calls with automatic number identification and auto-*
23 *matic location identification, or successor or equiva-*
24 *lent information features over the wireline E911 net-*
25 *work (as defined in section 9.3 of the Federal Com-*

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

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

12 **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**
13 **TION.**

14 *Section 222 of the Communications Act of 1934 (47*
15 *U.S.C. 222) is amended—*

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

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

23 *(3) in subsection (g), by inserting “or a provider*
24 *of IP-enabled voice service (as such term is defined in*
25 *section 7 of the Wireless Communications and Public*

1 *Safety Act of 1999 (47 U.S.C. 615b))” after “tele-*
2 *phone exchange service”.*

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

H. R. 3403

AMENDMENT