

109TH CONGRESS
1ST SESSION

H. R. 2418

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2005

Mr. GORDON (for himself, Mr. SHIMKUS, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

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 “IP-Enabled Voice
5 Communications and Public Safety Act of 2005”.

6 **SEC. 2. EMERGENCY SERVICE.**

7 (a) 911 AND E-911 SERVICES.—Notwithstanding
8 section 2(b) or any other provision of the Communications
9 Act of 1934, the Commission shall prescribe regulations
10 to establish a set of requirements or obligations on pro-

1 viders of IP-enabled voice service to ensure that 911 and
2 E-911 services are available to customers to IP-enabled
3 voice service. Such regulations shall include an appro-
4 priate transition period by which to comply with such re-
5 quirements or obligations and take into consideration
6 available industry technological and operational standards,
7 including network security.

8 (b) NON-DISCRIMINATORY ACCESS TO CAPABILI-
9 TIES.—Each entity with ownership or control of the nec-
10 essary emergency services infrastructure shall provide any
11 requesting IP-enabled voice service provider with non-
12 discriminatory access to their equipment, network, data-
13 bases, interfaces and any other related capabilities nec-
14 essary for the delivery and completion of 911 and E911
15 calls and information related to such 911 or E911 calls.
16 Such access shall be consistent with industry standards
17 established by the National Emergency Number Associa-
18 tion or other applicable industry standards organizations.
19 Such entity shall provide access to the infrastructure at
20 just and reasonable, nondiscriminatory rates, terms and
21 conditions. The telecommunications carrier or other entity
22 shall provide such access to the infrastructure on a stand-
23 alone basis.

24 (c) STATE AUTHORITY.—Nothing in this Act, the
25 Communications Act of 1934, or any Commission regula-

1 tion or order shall prevent the imposition on or collection
2 from a provider of voice services, including IP-enabled
3 voice services, of any fee or charge specifically designated
4 or presented as dedicated by a State, political subdivision
5 thereof, or Indian tribe on an equitable, and non-discrimi-
6 natory basis for the support of 911 and E-911 services
7 if no portion of the revenue derived from such fee or
8 charge is obligated or expended for any purpose other than
9 support of 911 and E-911 services or enhancements of
10 such services.

11 (d) STANDARD.—The Commission may establish reg-
12 ulations imposing requirements or obligations on providers
13 of voice services, entities with ownership or control of
14 emergency services infrastructure under subsections (a)
15 and (b) only to the extent that the Commission determines
16 such regulations are technologically and operationally fea-
17 sible.

18 (e) CUSTOMER NOTICE.—Prior to the compliance
19 with the rules as required by subsection (a), a provider
20 of an IP-enabled voice service that is not capable of pro-
21 viding 911 and E-911 services shall provide a clear and
22 conspicuous notice of the unavailability of such services
23 to each customer at the time of entering into a contract
24 for such service with that customer.

1 (f) VOICE SERVICE PROVIDER RESPONSIBILITY.—An
2 IP-enabled voice service provider shall have the sole re-
3 sponsibility for the proper design, operation, and function
4 of the 911 and E911 access capabilities offered to the pro-
5 vider’s customers.

6 (g) PARITY OF PROTECTION FOR PROVISION OR USE
7 OF IP-ENABLED VOICE SERVICE.—

8 (1) PROVIDER PARITY.—If a provider of an IP-
9 enabled voice service offers 911 or E–911 services in
10 compliance with the rules required by subsection (a),
11 that provider, its officers, directors, employees, ven-
12 dors, and agents, shall have immunity or other pro-
13 tection from liability of a scope and extent that is
14 not less than the scope and extent of immunity or
15 other protection from liability that any local ex-
16 change company, and its officers directors, employ-
17 ees, vendors, or agents, have under the applicable
18 Federal and State law (whether through statute, ju-
19 dicial decision, tariffs filed by such local exchange
20 company, or otherwise), including in connection with
21 an act or omission involving the release of subscriber
22 information related to the emergency calls or emer-
23 gency services to a public safety answering point,
24 emergency medical service provider, or emergency
25 dispatch provider, public safety, fire service, or law

1 enforcement official, or hospital emergency or trauma care facility.

3 (2) USER PARITY.—A person using an IP-enabled voice service that offers 911 or E-911 services pursuant to this subsection shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 911 or E-911 service that is not provided through an IP-enabled voice service.

12 (3) PSAP PARITY.—In matters related to IP-enabled 911 and E-911 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 911 or E-911 communications that are not provided via an IP-enabled voice service.

24 (h) DELEGATION PERMITTED.—The Commission
25 may, in the regulations prescribed under this section, pro-

1 vide for the delegation to State commissions of authority
2 to implement and enforce the requirements of this section
3 and the regulations thereunder.

4 **SEC. 3. MIGRATION TO IP-ENABLED EMERGENCY NET-**
5 **WORK.**

6 Section 158 of the National Telecommunications and
7 Information Administration Organization Act (as added
8 by section 104 of the ENHANCE 911 Act of 2004) is
9 amended—

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

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

14 “(d) MIGRATION PLAN REQUIRED.—

15 “(1) NATIONAL PLAN REQUIRED.—No more
16 than 18 months after the date of the enactment of
17 the ENHANCE 911 Act of 2004, the Office shall
18 develop and report to Congress on a national plan
19 for migrating to a national IP-enabled emergency
20 network capable of receiving and responding to all
21 citizen activated emergency communications.

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

24 “(A) outline the potential benefits of such
25 a migration;

1 “(B) identify barriers that must be over-
2 come and funding mechanisms to address those
3 barriers;

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

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

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

12 “(3) CONSULTATION.—In developing the plan
13 required by paragraph (1), the Office shall consult
14 with representatives of the public safety community,
15 technology and telecommunications providers, and
16 others it deems appropriate.”.

17 **SEC. 4. DEFINITIONS.**

18 (a) IN GENERAL.—For purposes of this Act:

19 (1) 911 AND E-911 SERVICES.—

20 (A) 911.—The term “911” means a serv-
21 ice that allows a user, by dialing the three-digit
22 code 911, to call a public safety answering
23 point operated by a State, local government, In-
24 dian tribe, or authorized entity.

1 (B) E-911.—The term “E-911 service”
2 means a 911 service that automatically delivers
3 the 911 call to the appropriate public safety an-
4 swering point, and provides automatic identi-
5 fication data, including the originating number
6 of an emergency call, the physical location of
7 the caller, and the capability for the public safe-
8 ty answering point to call the user back if the
9 call is disconnected.

10 (2) IP-ENABLED VOICE SERVICE.—The term
11 “IP-enabled voice service” means an IP-enabled
12 service used for real-time 2-way or multidirectional
13 voice communications offered to a customer that—

14 (A) uses North American Numbering Plan
15 administered telephone numbers, or successor
16 protocol; and

17 (B) has two-way interconnection or other-
18 wise exchange traffic with the public switched
19 telephone network.

20 (3) CUSTOMER.—The term “customer” includes
21 a consumer of goods or services whether for a fee,
22 in exchange for an explicit benefit, or provided for
23 free.

24 (4) IP-ENABLED SERVICE.—The term “IP-en-
25 abled service” means the use of software, hardware,

1 or network equipment that enable an end user to
2 send or receive a communication over the public
3 Internet or a private network utilizing Internet pro-
4 tocol, or any successor protocol, in whole or part, to
5 connect users—

6 (A) regardless of whether the communica-
7 tion is voice, data, video, or other form; and

8 (B) notwithstanding —

9 (i) the underlying transmission tech-
10 nology used to transmit the communica-
11 tions;

12 (ii) whether the packetizing and
13 depacketizing of the communications oc-
14 curs at the customer premise or network
15 level; or

16 (iii) the software, hardware, or net-
17 work equipment used to connect users.

18 (5) PUBLIC SWITCHED TELEPHONE NET-
19 WORK.—The term “public switched telephone net-
20 work” means any switched common carrier service
21 that is interconnected with the traditional local ex-
22 change or interexchange switched network.

23 (6) PSAP.—The term “public safety answering
24 point” or “PSAP” means a facility that has been
25 designated to receive 911 calls.

1 (b) COMMON TERMINOLOGY.—Except as otherwise
2 provided in subsection (a), terms used in this Act have
3 the meanings provided under section 3 of the Communica-
4 tions Act of 1934.

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