

**AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. GORDON OF TENNESSEE, MR.
PICKERING OF MISSISSIPPI, MR. SHIMKUS OF
ILLINOIS, MS. ESHOO OF CALIFORNIA, AND
MR. FERGUSON OF NEW JERSEY**

Page 39, beginning on line 2, strike section 716 and insert the following:

1 **“SEC. 716. EMERGENCY SERVICES.**

2 “(a) 911 AND E-911 SERVICES.—

3 “(1) IN GENERAL.—Each VOIP service pro-
4 vider has a duty to ensure that 911 and E-911 serv-
5 ices are provided to subscribers of VOIP services.

6 “(2) USE OF EXISTING REGULATIONS.—A
7 VOIP service provider that complies with the Com-
8 mission’s regulations requiring providers of VOIP
9 service to supply 911 and E911 capabilities to their
10 customers (Report and Order in WC Docket Nos.
11 04-36 and 05-196) and that are in effect on the
12 date of enactment of this section shall be considered
13 to be in compliance with the requirements of this
14 section, other than subsection (c), until such regula-
15 tions are modified or superseded by subsequent reg-
16 ulations.



1 “(b) NON-DISCRIMINATORY ACCESS TO CAPABILI-
2 TIES.—

3 “(1) ACCESS.—Each incumbent local exchange
4 carrier (as such term is defined in section 251(h))
5 or government entity with ownership or control of
6 the necessary E-911 infrastructure shall provide any
7 requesting VOIP service provider with nondiscrim-
8 inatory access to such infrastructure. Such carrier
9 or entity shall provide access to the infrastructure at
10 just and reasonable, nondiscriminatory rates, terms,
11 and conditions. Such access shall be consistent with
12 industry standards established by the National
13 Emergency Number Association or other applicable
14 industry standards organizations.

15 “(2) ENFORCEMENT.—The Commission or a
16 State commission may enforce the requirements of
17 this subsection and the Commission’s regulations
18 thereunder. A VOIP service provider may obtain ac-
19 cess to such infrastructure pursuant to section 717
20 by asserting the rights described in such section.

21 “(c) NEW CUSTOMERS.—A VOIP service provider
22 shall make 911 service available to new customers within
23 a reasonable time in accordance with the following require-
24 ments:



1 “(1) CONNECTION TO SELECTIVE ROUTER.—
2 For all new customers not within the geographic
3 areas where a VOIP service provider can imme-
4 diately provide 911 service to the geographically ap-
5 propriate PSAP, a VOIP service provider, or its
6 third party vendor, shall have no more than 30 days
7 from the date the VOIP provider has acquired a cus-
8 tomer to order service providing connectivity to the
9 selective router so that 911 service, or E911 service
10 where the PSAP is capable of receiving and proc-
11 essing such information, can be provided through
12 the selective router.

13 “(2) INTERIM SERVICE.—For all new customers
14 not within the geographic areas where the VOIP
15 service provider can immediately provide 911 service
16 to the geographically appropriate PSAP, a VOIP
17 service provider shall provide 911 service through—

18 “(A) an arrangement mutually agreed to
19 by the VOIP service provider and the PSAP or
20 PSAP governing authority; or

21 “(B) an emergency response center with
22 national call routing capabilities.

23 Such service shall be provided 24 hours a day from
24 the date a VOIP service provider has acquired a cus-



1 tomer until the VOIP service provider can provide
2 911 service to the geographically appropriate PSAP.

3 “(3) NOTICE.—Before providing service to any
4 new customer not within the geographic areas where
5 the VOIP service provider can immediately provide
6 911 service to the geographically appropriate PSAP,
7 an interconnected VOIP service provider shall pro-
8 vide such customer with clear notice that 911 service
9 will be available only as described in paragraph (2).

10 “(4) RESTRICTION ON ACQUISITION OF NEW
11 CUSTOMERS.—A VOIP service provider may not ac-
12 quire new customers within a geographic area served
13 by a selective router if, within 180 days of first ac-
14 quiring a new customer in the area served by the se-
15 lective router, the VOIP service provider does not
16 provide 911 service, or E911 service where the
17 PSAP is capable of receiving and processing such in-
18 formation, to the geographically appropriate PSAP
19 for all existing customers served by the selective
20 router.

21 “(5) ENFORCEMENT: NO FIRST WARNINGS.—
22 Paragraph (5) of section 503(b) shall not apply to
23 the assessment of forfeiture penalties for violations
24 of this subsection or the regulations thereunder.



1 “(d) STATE AUTHORITY.—Nothing in this Act or any
2 Commission regulation or order shall prevent the imposi-
3 tion on or collection from a VOIP service provider, of any
4 fee or charge specifically designated or presented as dedi-
5 cated by a State, political subdivision thereof, or Indian
6 tribe on an equitable, and non-discriminatory basis for the
7 support of 911 and E-911 services if no portion of the
8 revenue derived from such fee or charge is obligated or
9 expended for any purpose other than support of 911 and
10 E-911 services or enhancements of such services.

11 “(e) FEASIBILITY.—In establishing requirements or
12 obligations under subsections (a) and (b), the Commission
13 shall ensure that such standards impose requirements or
14 obligations on VOIP service providers and entities with
15 ownership or control of necessary E-911 infrastructure
16 that the Commission determines are technologically and
17 operationally feasible. In determining the requirements
18 and obligations that are technologically and operationally
19 feasible, the Commission shall take into consideration
20 available industry technological and operational standards.

21 “(f) PROGRESS REPORTS.—To the extent that the
22 Commission concludes that it is not technologically or
23 operationally feasible for VOIP service providers to comply
24 with E-911 requirements or obligations, then the Com-
25 mission shall submit reports to the Committee on Energy



1 and Commerce of the House of Representatives and the
2 Committee on Commerce, Science, and Transportation of
3 the Senate on the progress in attaining and deploying E-
4 911 service. Such reports shall be submitted semiannually
5 until the Commission concludes that it is technologically
6 and operationally feasible for all VOIP service providers
7 to comply with E-911 requirements and obligations. Such
8 reports may include any recommendations the Commission
9 considers appropriate to encourage the migration of emer-
10 gency services to TCP/IP protocol or other advanced serv-
11 ices.

12 “(g) ACCESS TO INFORMATION.—The Commission
13 shall have the authority to compile a list of PSAP contact
14 information, testing procedures, and classes and types of
15 services supported by PSAPs, or other information con-
16 cerning the necessary E-911 infrastructure, for the pur-
17 pose of assisting providers in complying with the require-
18 ments of this section.

19 “(h) EMERGENCY ROUTING NUMBER ADMINIS-
20 TRATOR.—Within 30 days after the date of enactment of
21 this section, the Federal Communications Commission
22 shall establish an emergency routing number adminis-
23 trator to enable VOIP service providers to acquire non-
24 dialable pseudo-automatic number identification numbers
25 for 9-1-1 routing purposes on a national scale. The Com-



1 mission may adopt such rules and practices as are nec-
2 essary to guide such administrator in the fair and expedi-
3 tious assignment of these numbers.

4 “(i) MIGRATION TO IP-ENABLED EMERGENCY NET-
5 WORK.—

6 “(1) NATIONAL REPORT.—No more than 18
7 months after the date of the enactment of this sec-
8 tion, the National 911 Implementation and Coordi-
9 nation Office shall develop a report to Congress on
10 migrating to a national IP-enabled emergency net-
11 work capable of receiving and responding to all cit-
12 izen activated emergency communications.

13 “(2) CONTENTS OF REPORT.—The report re-
14 quired 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) include a proposed timetable, an out-
21 line of costs and potential savings;

22 “(D) provide recommendations on specific
23 legislative language,

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



1 to facilitate a national IP-enabled emergency
2 network; and

3 “(F) assess, collect, and analyze the expe-
4 riences of the PSAPs and related public safety
5 authorities who are conducting trial deploy-
6 ments of IP-enabled emergency networks as of
7 the date of enactment of this section.

8 “(3) CONSULTATION.—In developing the report
9 required by paragraph (1), the Office shall consult
10 with representatives of the public safety community,
11 technology and telecommunications providers, and
12 others it deems appropriate.

13 “(j) IMPLEMENTATION.—

14 “(1) DEADLINE.—The Commission shall pre-
15 scribe regulations to implement this section within
16 120 days after the date of enactment of this section.

17 “(2) LIMITATION.—Nothing in this section
18 shall be construed to permit the Commission to issue
19 regulations that require or impose a specific tech-
20 nology or technological standard.

21 “(k) DEFINITIONS.—For purposes of this section:

22 “(1) VOIP SERVICE.—The term ‘VOIP service’
23 means a service that—

24 “(A) provides real-time 2-way voice com-
25 munications transmitted through customer



1 premises equipment using TCP/IP protocol, or
2 a successor protocol (including when the voice
3 communication is converted to or from TCP/IP
4 protocol by the VOIP service provider and
5 transmitted to the subscriber without use of cir-
6 cuit switching), for a fee;

7 “(B) is offered to the public, or such class-
8 es of users as to be effectively available to the
9 public (whether part of a bundle of services or
10 separately); and

11 “(C) has the capability so that the service
12 can originate traffic to, and terminate traffic
13 from, the public switched telephone network.

14 “(2) VOIP SERVICE PROVIDER.—The term
15 ‘VOIP service provider’ means any person who pro-
16 vides or offers to provide a VOIP service.

17 “(3) NECESSARY E-911 INFRASTRUCTURE.—
18 The term ‘necessary E-911 infrastructure’ means
19 the selective routers, selective router databases,
20 automatic location information databases, master
21 street address guides, trunk lines between selective
22 routers and PSAPs, trunk lines between automatic
23 location information databases and PSAPs, and
24 other 911 and E-911 equipment, facilities, data-



1 bases, interfaces, and related capabilities specified
2 by the Commission.

3 “(4) NON-DIALABLE PSEUDO-AUTOMATIC NUM-
4 BER IDENTIFICATION NUMBER.—The term ‘non-
5 dialable pseudo-automatic number identification
6 number’ means a number, consisting of the same
7 number of digits as numbers used for automatic
8 number identification, that is not a North American
9 Numbering Plan telephone directory number and
10 that may be used in place of an automatic number
11 identification number to convey special meaning.
12 The special meaning assigned to the non-dialable
13 pseudo-automatic number identification number is
14 determined by nationally standard agreements, or by
15 individual agreements, as necessary, between the
16 system originating the call, intermediate systems
17 handling and routing the call, and the destination
18 system.

