

## Congress Passes Legislation Creating 911 Solutions for Voice-over-Internet-Protocol Providers

*On June 16 and June 23, 2008, the U.S. Senate and the House of Representatives, respectively, passed H.R. 3403. Known as the “New and Emerging Technologies 911 Improvement Act of 2008” (“the Act”), this bill will help ensure that providers of interconnected Voice-over-Internet-Protocol (“VoIP”) services have the tools they need to provide 911 to their subscribers. An overwhelming majority of both chambers passed this bill, which the President is expected to sign by July 3, 2008.*

This Act contains numerous provisions designed to enhance 911 capabilities for IP-enabled voice services (which has the same definition as “interconnected VoIP services” has in the rules of the Federal Communications Commission), including:

- **Liability Protection** – VoIP providers will now have the same liability protections when handling 911 calls as those available to mobile and land-line telephone service providers. Specifically, VoIP providers would be indemnified for acts or omissions involving emergency calls to medical or law enforcement service providers.
- **Privacy Exemption** – VoIP providers will have the authority to provide subscriber location information to emergency assistance providers.
- **Equipment and Service Access** – Companies that provide equipment or services for handling 911 calls will not be able to deny access to this technology or profiteer from the sale of necessary components.

- **National IP-Enabled Emergency Network Plan** – The Act requires the creation of a plan for a national IP-enabled emergency network that would improve location information for nomadic devices and multi-room structures, such as apartments and office buildings, and allow 911 call centers to receive emergency messages via all methods of IP and mobile communication – including e-mail and text messages.

### Federal Communications Commission to Promulgate Regulations

Under this Act, the Federal Communications Commission (“FCC” or “Commission”) must promulgate regulations within 90 days to govern access to 911 services for VoIP subscribers. Although the FCC is prohibited from requiring service providers to use specific technologies or standards for handling 911 calls, the FCC’s new regulations must:

- Ensure VoIP providers have access to necessary technology and equipment under the same terms and conditions, as this material is provided to commercial mobile service companies;
- Account for any VoIP-specific technical, network security, or privacy requirements; and
- Require VoIP providers to register with the Commission and provide a point of contact for public safety and government officials.

To assist companies in complying with this Act, the FCC is authorized to create a list of public safety contacts and other information for handling 911 calls. Additionally, the FCC must work with the IP industry and public safety organizations to develop best practices with respect to public safety issues such as call overflow and network outages, procedures for maintaining

relevant databases, and standards for delivering location information about a subscriber to 911 call centers. Please contact us if you are interested in participating in the Commission's 911 rulemaking proceeding.

If you have any questions or concerns regarding provisions of this Act, the status of enactment, or FCC rulemaking procedures, as noted above, please do not hesitate to contact the undersigned or any of the attorneys in the Telecommunications Practice Group.

**For more information about this  
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