

108TH CONGRESS
1ST SESSION

H. R. 2898

To improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. SHIMKUS (for himself, Ms. ESHOO, Mr. UPTON, Mr. MARKEY, Mr. DINGELL, Mr. TERRY, Mr. TOWNS, Mr. PICKERING, Mr. GILLMOR, Mrs. BONO, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. KIND, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. GRIJALVA, Mr. FROST, Mr. RUPPERSBERGER, Mr. GORDON, Mr. ENGEL, Mr. PETERSON of Pennsylvania, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “E-911 Implementation
5 Act of 2003”.

1 **SEC. 2. COORDINATION OF E-911 IMPLEMENTATION .**

2 (a) IN GENERAL.—Part C of title I of the National
3 Telecommunications and Information Administration Or-
4 ganization Act (47 U.S.C. 901 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.**

7 “(a) E-911 IMPLEMENTATION COORDINATION OF-
8 FICE.—

9 “(1) ESTABLISHMENT.—The Assistant Sec-
10 retary shall establish an E-911 Implementation Co-
11 ordination Office to facilitate coordination and com-
12 munication between Federal, State, and local emer-
13 gency communications systems, emergency per-
14 sonnel, public safety organizations, telecommuni-
15 cations carriers, and telecommunications equipment
16 manufacturers and vendors involved in the imple-
17 mentation of E-911 services.

18 “(2) PURPOSE OF OFFICE.—The Office shall—

19 “(A) take actions, in concert with coordi-
20 nators designated in accordance with subsection
21 (b)(3)(A)(ii), to improve such coordination and
22 communication;

23 “(B) develop, collect, and disseminate in-
24 formation concerning practices, procedures, and
25 technology used in the implementation of E-
26 911 services;

1 “(C) advise and assist eligible entities in
2 the preparation of implementation plans re-
3 quired under subsection (b)(3)(A)(iii);

4 “(D) receive, review, and recommend the
5 approval or disapproval of applications for
6 grants under subsection (b); and

7 “(E) oversee the use of funds provided by
8 such grants in fulfilling such implementation
9 plans.

10 “(3) REPORTS.—The Assistant Secretary shall
11 provide an annual report to Congress by the first
12 day of October of each year on the activities of the
13 Office to improve coordination and communication
14 with respect to the implementation of E-911 serv-
15 ices.

16 “(b) PHASE II E-911 IMPLEMENTATION GRANTS.—

17 “(1) MATCHING GRANTS.—The Assistant Sec-
18 retary, after consultation with the Secretary of
19 Homeland Security and acting through the Office,
20 shall provide grants to eligible entities for the imple-
21 mentation of phase II E-911 services through plan-
22 ning, infrastructure improvements, telecommuni-
23 cations equipment purchases, and personnel train-
24 ing.

1 “(2) MATCHING REQUIREMENT.—The Federal
2 share of the cost of a project eligible for a grant
3 under this section shall not exceed 50 percent. The
4 non-Federal share of the cost shall be provided from
5 non-Federal sources.

6 “(3) COORDINATION REQUIRED.—In providing
7 grants under paragraph (1), the Assistant Secretary
8 shall require an eligible entity to certify in its appli-
9 cation that—

10 “(A) in the case of an eligible entity that
11 is a State government, the entity—

12 “(i) has coordinated its application
13 with the public safety answering points (as
14 such term is defined in section 222(h)(2)
15 of the Communications Act of 1934) lo-
16 cated within the jurisdiction of such entity;

17 “(ii) has designated a single officer or
18 governmental body of the entity to serve as
19 the coordinator of implementation of E-
20 911 services;

21 “(iii) has established a plan for the
22 coordination and implementation of E-911
23 services; and

24 “(iv) has integrated telecommuni-
25 cations services involved in the implemen-

1 tation and delivery of phase II E-911 serv-
2 ices; or

3 “(B) in the case of an eligible entity that
4 is a local government, the entity has complied
5 with clauses (i), (iii), and (iv) of subparagraph
6 (A), and the State in which it is located has
7 complied with clause (ii) of such subparagraph.

8 “(4) CRITERIA.—The Assistant Secretary shall
9 issue regulations within 180 days of the enactment
10 of the E-911 Implementation Act of 2003, after a
11 public comment period of not less than 60 days, pre-
12 scribing the criteria for selection for grants under
13 this section, and shall update such regulations as
14 necessary.

15 “(c) AUTHORIZATION; TERMINATION.—

16 “(1) AUTHORIZATION.—There are authorized to
17 be appropriated to the Department of Commerce not
18 more than \$100,000,000 for each of the fiscal years
19 2004 through 2008 for grants under this section.

20 “(2) TERMINATION.—The provisions of this
21 section shall cease to be effective on October 1,
22 2008.

23 “(d) DEFINITIONS.—As used in this section:

24 “(1) OFFICE.—The term ‘Office’ means the E-
25 911 Implementation Coordination Office.

1 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means State and local governments and tribal
3 organizations (as defined in section 4(l) of the In-
4 dian Self-Determination and Education Assistance
5 Act (25 U.S.C. 450b(l))), except that such term does
6 not include any such State that has failed, or any
7 local government from a State that has failed, to
8 submit the most recently required annual certifi-
9 cation under section 715 of the Communications Act
10 of 1934 within 30 days after the date on which such
11 certification is due.

12 “(3) E-911 SERVICES.—The term ‘E-911 serv-
13 ices’ means both phase I and phase II enhanced 911
14 services, as described in section 20.18 of the Com-
15 mission’s regulations (47 C.F.R. 20.18), as in effect
16 on the date of enactment of this section.

17 “(4) PHASE II E-911 SERVICES.—The term
18 ‘phase II E-911 services’ means only phase II en-
19 hanced 911 services, as described in such section
20 20.18 (47 C.F.R. 20.18), as in effect on such date.”.

21 **SEC. 3. STATE 911 FUNDING PRACTICES.**

22 (a) CERTIFICATION.—Title VII of the Communica-
23 tions Act of 1934 (47 U.S.C. 601 et seq.) is amended by
24 adding at the end the following:

1 **“SEC. 715. DIVERSION OF 911 FUNDS.**

2 “(a) IN GENERAL.—

3 “(1) ASSESSMENT AND AUDIT.—The Commis-
4 sion shall review twice each year—

5 “(A) the imposition of taxes, fees, or other
6 charges imposed by States that—

7 “(i) appear on telecommunications
8 services customers’ bills; and

9 “(ii) are designated or presented as
10 dedicated to deliver or improve E-911
11 services; and

12 “(B) the use of revenues derived from such
13 taxes, fees, or charges.

14 “(2) CERTIFICATION.—Each State shall certify
15 annually to the Commission that no portion of the
16 revenues derived from such taxes, fees, or charges
17 have been obligated or expended for any purpose
18 other than the purposes for which such taxes, fees,
19 or charges are designated or presented.

20 “(b) NOTIFICATION OF CONGRESS AND THE PUB-
21 LIC.—If the Commission fails to receive any certification
22 described in subsection (a)(2), then, within 30 days after
23 the date on which such certification was due, the Commis-
24 sion shall cause to be published in the Federal Register,
25 and notify the Committee on Commerce, Science, and

1 Transportation of the Senate and the Committee on En-
2 ergy and Commerce of the House of Representatives—

3 “(1) the identity of each State that failed to
4 make the certification; and

5 “(2) the amount of taxes, fees, or other charges
6 described in subsection (a)(1)(A) imposed by that
7 State that were expended for any purpose other than
8 the purposes for which such taxes, fees, or charges
9 were designated or presented. ”.

10 **SEC. 4. REGULATION REVISION REQUIRED.**

11 Within 90 days after the date of enactment of this
12 Act, the Federal Communications Commission shall revise
13 section 20.18(j) of its regulations (47 C.F.R. 20.18(j)) to
14 provide that a public safety answering point in any State
15 shall not be considered to have a mechanism in place for
16 recovering the public safety answering point’s cost of
17 phase II enhanced 911 service for purposes of such section
18 during any period that such State continues, after the
19 30th day after the date on which the certification was due,
20 to fail to make the certification required by section
21 715(a)(2) of the Communications Act of 1934.

22 **SEC. 5. FCC REVIEW OF ACCURACY REQUIREMENTS IN**
23 **RURAL AREAS.**

24 Within 180 days after the date of enactment of this
25 Act, the Federal Communications Commission shall com-

1 plete a proceeding to review the accuracy requirements es-
2 tablished under section 20.18(h) of its regulations (47
3 C.F.R. 20.18(h) to determine whether alterations in such
4 requirements are necessary to address the technological
5 complexities related to compliance with such accuracy re-
6 quirements in rural areas.

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