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IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

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

5 Part C of title I of the National Telecommunications  
6 and Information Administration Organization Act (47  
7 U.S.C. 901 et seq.) is amended by adding at the end the  
8 following:

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

10 “(a) E-911 IMPLEMENTATION COORDINATION OF-  
11 FICE.—

12 “(1) ESTABLISHMENT.—The Assistant Sec-  
13 retary and the Administrator of the National High-  
14 way Traffic Safety Administration shall—

15 “(A) establish a joint program to facilitate  
16 coordination and communication between Fed-  
17 eral, State, and local emergency communica-  
18 tions systems, emergency personnel, public safe-  
19 ty organizations, telecommunications carriers,  
20 and telecommunications equipment manufactur-  
21 ers and vendors involved in the implementation  
22 of E-911 services; and

23 “(B) create an E-911 Implementation Co-  
24 ordination Office to implement the provisions of  
25 this section.

1           “(2) MANAGEMENT PLAN.—The Assistant Sec-  
2           retary and the Administrator shall jointly develop a  
3           management plan for the program established under  
4           this section. Such plan shall include the organiza-  
5           tional structure and funding profiles for the 5-year  
6           duration of the program. The Assistant Secretary  
7           and the Administrator shall, within 90 days after  
8           the date of enactment of this Act, submit the man-  
9           agement plan to the Committees on Energy and  
10          Commerce and Appropriations of the House of Rep-  
11          resentatives and the Committees on Commerce,  
12          Science, and Transportation and Appropriations of  
13          the Senate.

14          “(3) PURPOSE OF OFFICE.—The Office shall—

15               “(A) take actions, in concert with coordi-  
16               nators designated in accordance with subsection  
17               (b)(3)(A)(ii), to improve such coordination and  
18               communication;

19               “(B) develop, collect, and disseminate in-  
20               formation concerning practices, procedures, and  
21               technology used in the implementation of E-  
22               911 services;

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

1           “(D) receive, review, and recommend the  
2 approval or disapproval of applications for  
3 grants under subsection (b); and

4           “(E) oversee the use of funds provided by  
5 such grants in fulfilling such implementation  
6 plans.

7           “(4) REPORTS.—The Assistant Secretary and  
8 the Administrator shall provide a joint annual report  
9 to Congress by the first day of October of each year  
10 on the activities of the Office to improve coordina-  
11 tion and communication with respect to the imple-  
12 mentation of E-911 services.

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

14           “(1) MATCHING GRANTS.—The Assistant Sec-  
15 retary and the Administrator, after consultation with  
16 the Secretary of Homeland Security and the Chair-  
17 man of the Federal Communications Commission,  
18 and acting through the Office, shall provide grants  
19 to eligible entities for the implementation of phase II  
20 E-911 services through planning, infrastructure im-  
21 provements, telecommunications equipment pur-  
22 chases, and personnel training.

23           “(2) MATCHING REQUIREMENT.—The Federal  
24 share of the cost of a project eligible for a grant  
25 under this section shall not exceed 50 percent. The

1 non-Federal share of the cost shall be provided from  
2 non-Federal sources.

3 “(3) COORDINATION REQUIRED.—In providing  
4 grants under paragraph (1), the Assistant Secretary  
5 and the Administrator shall require an eligible entity  
6 to certify in its application that—

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

9 “(i) has coordinated its application  
10 with the public safety answering points (as  
11 such term is defined in section 222(h)(4)  
12 of the Communications Act of 1934) lo-  
13 cated within the jurisdiction of such entity;

14 “(ii) has designated a single officer or  
15 governmental body of the entity to serve as  
16 the coordinator of implementation of E-  
17 911 services, except that such designation  
18 need not vest such coordinator with direct  
19 legal authority to implement E-911 serv-  
20 ices or manage emergency communications  
21 operations;

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

1                   “(iv) has integrated telecommuni-  
2                   cations services involved in the implemen-  
3                   tation and delivery of phase II E-911 serv-  
4                   ices; or

5                   “(B) in the case of an eligible entity that  
6                   is not a State, the entity has complied with  
7                   clauses (i), (iii), and (iv) of subparagraph (A),  
8                   and the State in which it is located has com-  
9                   plied with clause (ii) of such subparagraph.

10                  “(4) CRITERIA.—The Assistant Secretary and  
11                  the Administrator shall jointly issue regulations  
12                  within 180 days of the enactment of the E-911 Im-  
13                  plementation Act of 2003, after a public comment  
14                  period of not less than 60 days, prescribing the cri-  
15                  teria for selection for grants under this section, and  
16                  shall update such regulations as necessary.

17                  “(c) DIVERSION OF E-911 CHARGES.—

18                         “(1) DESIGNATED E-911 CHARGES.—For the  
19                         purposes of this subsection, the term ‘designated E-  
20                         911 charges’ means any taxes, fees, or other charges  
21                         imposed by a State or other taxing jurisdiction  
22                         that—

23                                 “(A) appear on telecommunications serv-  
24                                 ices customers’ bills; and

1           “(B) are designated or presented as dedi-  
2           cated to deliver or improve E-911 services.

3           “(2) CERTIFICATION.—Each applicant for a  
4           matching grant under this section shall certify to the  
5           Assistant Secretary and the Administrator at the  
6           time of application, and each applicant that receives  
7           such a grant shall certify to the Assistant Secretary  
8           and the Administrator annually thereafter during  
9           any period of time during which the funds from the  
10          grant are available to the applicant, that no portion  
11          of any designated E-911 charges imposed by a  
12          State or other taxing jurisdiction within which the  
13          applicant is located are being obligated or expended  
14          for any purpose other than the purposes for which  
15          such charges are designated or presented.

16          “(3) CONDITION OF GRANT.—Each applicant  
17          for a grant under this section shall agree, as a con-  
18          dition of receipt of the grant, that if the State or  
19          other taxing jurisdiction within which the applicant  
20          is located, during any period of time during which  
21          the funds from the grant are available to the appli-  
22          cant, obligates or expends designated E-911 charges  
23          for any purpose other than the purposes for which  
24          such charges are designated or presented, all of the

1 funds from such grant shall be returned to the Of-  
2 fice.

3 “(4) PENALTY FOR PROVIDING FALSE INFOR-  
4 MATION.—Any applicant that provides a certification  
5 under paragraph (1) knowing that the information  
6 provided in the certification was false shall—

7 “(A) not be eligible to receive the grant  
8 under subsection (b);

9 “(B) return any grant awarded under sub-  
10 section (b) during the time that the certification  
11 was not valid; and

12 “(C) not be eligible to receive any subse-  
13 quent grants under subsection (b).

14 “(d) AUTHORIZATION; TERMINATION.—

15 “(1) AUTHORIZATION.—There are authorized to  
16 be appropriated to the Department of Transpor-  
17 tation, for the purposes of grants under the joint  
18 program operated under this section with the De-  
19 partment of Commerce, not more than  
20 \$100,000,000 for each of the fiscal years 2004  
21 through 2008.

22 “(2) TERMINATION.—The provisions of this  
23 section shall cease to be effective on October 1,  
24 2008.

25 “(e) DEFINITIONS.—As used in this section:



1           “(1) OFFICE.—The term ‘Office’ means the E–  
2 911 Implementation Coordination Office.

3           “(2) ADMINISTRATOR.—The term ‘Adminis-  
4 trator’ means the Administrator of the National  
5 Highway Traffic Safety Administration.

6           “(3) ELIGIBLE ENTITY.—

7                 “(A) IN GENERAL.—The term ‘eligible en-  
8 tity’ means a State or local government or a  
9 tribal organization (as defined in section 4(l) of  
10 the Indian Self-Determination and Education  
11 Assistance Act (25 U.S.C. 450b(l))).

12                 “(B) INSTRUMENTALITIES.—Such term in-  
13 cludes public authorities, boards, commissions,  
14 and similar bodies created by one or more eligi-  
15 ble entities described in subparagraph (A) to  
16 provide E–911 services.

17                 “(C) EXCEPTION.—Such term does not in-  
18 clude any entity that has failed to submit the  
19 most recently required certification under sub-  
20 section (c) within 30 days after the date on  
21 which such certification is due.

22           “(4) E–911 SERVICES.—The term ‘E–911 serv-  
23 ices’ means both phase I and phase II enhanced 911  
24 services, as described in section 20.18 of the Com-  
25 mission’s regulations (47 CFR 20.18), as in effect

1 on the date of enactment of this section, or as subse-  
2 quently revised by the Federal Communications  
3 Commission.

4 “(5) PHASE II E-911 SERVICES.—The term  
5 ‘phase II E-911 services’ means only phase II en-  
6 hanced 911 services, as described in such section  
7 20.18 (47 CFR 20.18), as in effect on such date, or  
8 as subsequently revised by the Federal Communica-  
9 tions Commission.”.

10 **SEC. 3. REPORT ON THE DEPLOYMENT OF E-911 PHASE II**  
11 **SERVICES BY TIER III SERVICE PROVIDERS.**

12 Within 90 days after the date of enactment of this  
13 Act, the Federal Communications Commission shall sub-  
14 mit a report to the Committee on Energy and Commerce  
15 of the House of Representatives and the Committee on  
16 Commerce, Science, and Transportation of the Senate de-  
17 tailing—

18 (1) the number of tier III commercial mobile  
19 service providers that are offering phase II E-911  
20 services;

21 (2) the number of requests for waivers from  
22 compliance with the Commission’s phase II E-911  
23 service requirements received by the Commission  
24 from such tier III providers;

1           (3) the number of waivers granted or denied by  
2 the Commission to such tier III providers;

3           (4) how long each waiver request remained  
4 pending before it was granted or denied;

5           (5) how many waiver requests are pending at  
6 the time of the filing of the report;

7           (6) when the pending requests will be granted  
8 or denied;

9           (7) actions the Commission has taken to reduce  
10 the amount of time a waiver request remains pend-  
11 ing; and

12           (8) the technologies that are the most effective  
13 in the deployment of phase II E-911 services by  
14 such tier III providers.

Passed the House of Representatives November 4,  
2003.

Attest:

JEFF TRANDAHL,

*Clerk.*