

Union Calendar No. 187

108TH CONGRESS
1ST SESSION

H. R. 2898

[Report No. 108-311]

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

OCTOBER 14, 2003

Additional sponsors: Mr. FEENEY, Mr. DAVIS of Tennessee, Mr. HOEFFEL, Mr. DEUTSCH, Mr. GREENWOOD, Mrs. LOWEY, Mr. ACKERMAN, Mr. WELLER, Mr. PETERSON of Minnesota, Ms. MCCARTHY of Missouri, Mr. RUSH, Mrs. CUBIN, Mr. WAXMAN, Mr. BROWN of Ohio, Mrs. WILSON of New Mexico, Mr. DAVIS of Florida, Mr. STRICKLAND, and Mr. HOLDEN

OCTOBER 14, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 25, 2003]

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”.*

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

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

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

12 *“(a) E-911 IMPLEMENTATION COORDINATION OF-*
13 *FICE.—*

14 *“(1) ESTABLISHMENT.—The Assistant Secretary*
15 *shall establish an E-911 Implementation Coordina-*
16 *tion Office to facilitate coordination and communica-*
17 *tion between Federal, State, and local emergency com-*
18 *munications systems, emergency personnel, public*

1 *safety organizations, telecommunications carriers,*
2 *and telecommunications equipment manufacturers*
3 *and vendors involved in the implementation of E-911*
4 *services.*

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

6 “(A) *take actions, in concert with coordina-*
7 *tors designated in accordance with subsection*
8 *(b)(3)(A)(ii), to improve such coordination and*
9 *communication;*

10 “(B) *develop, collect, and disseminate infor-*
11 *mation concerning practices, procedures, and*
12 *technology used in the implementation of E-911*
13 *services;*

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

17 “(D) *receive, review, and recommend the*
18 *approval or disapproval of applications for*
19 *grants under subsection (b); and*

20 “(E) *oversee the use of funds provided by*
21 *such grants in fulfilling such implementation*
22 *plans.*

23 “(3) *REPORTS.*—*The Assistant Secretary shall*
24 *provide an annual report to Congress by the first day*
25 *of October of each year on the activities of the Office*

1 to improve coordination and communication with re-
2 spect to the implementation of E-911 services.

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

4 “(1) MATCHING GRANTS.—The Assistant Sec-
5 retary, after consultation with the Secretary of Home-
6 land Security and the Chairman of the Federal Com-
7 munications Commission, and acting through the Of-
8 fice, shall provide grants to eligible entities for the
9 implementation of phase II E-911 services through
10 planning, infrastructure improvements, telecommuni-
11 cations equipment purchases, and personnel training.

12 “(2) MATCHING REQUIREMENT.—The Federal
13 share of the cost of a project eligible for a grant under
14 this section shall not exceed 50 percent. The non-Fed-
15 eral share of the cost shall be provided from non-Fed-
16 eral sources.

17 “(3) COORDINATION REQUIRED.—In providing
18 grants under paragraph (1), the Assistant Secretary
19 shall require an eligible entity to certify in its appli-
20 cation that—

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

23 “(i) has coordinated its application
24 with the public safety answering points (as
25 such term is defined in section 222(h)(4) of

1 the Communications Act of 1934) located
2 within the jurisdiction of such entity;

3 “(ii) has designated a single officer or
4 governmental body of the entity to serve as
5 the coordinator of implementation of E-911
6 services, except that such designation need
7 not vest such coordinator with direct legal
8 authority to implement E-911 services or
9 manage emergency communications oper-
10 ations;

11 “(iii) has established a plan for the co-
12 ordination and implementation of E-911
13 services; and

14 “(iv) has integrated telecommuni-
15 cations services involved in the implementa-
16 tion and delivery of phase II E-911 serv-
17 ices; or

18 “(B) in the case of an eligible entity that is
19 not a State, the entity has complied with clauses
20 (i), (iii), and (iv) of subparagraph (A), and the
21 State in which it is located has complied with
22 clause (ii) of such subparagraph.

23 “(4) CRITERIA.—The Assistant Secretary shall
24 issue regulations within 180 days of the enactment of
25 the E-911 Implementation Act of 2003, after a public

1 *comment period of not less than 60 days, prescribing*
2 *the criteria for selection for grants under this section,*
3 *and shall update such regulations as necessary.*

4 *“(c) DIVERSION OF E-911 CHARGES.—*

5 *“(1) DESIGNATED E-911 CHARGES.—For the*
6 *purposes of this subsection, the term ‘designated E-*
7 *911 charges’ means any taxes, fees, or other charges*
8 *imposed by a State or other taxing jurisdiction*
9 *that—*

10 *“(A) appear on telecommunications services*
11 *customers’ bills; and*

12 *“(B) are designated or presented as dedi-*
13 *cated to deliver or improve E-911 services.*

14 *“(2) CERTIFICATION.—Each applicant for a*
15 *matching grant under this section shall certify to the*
16 *Assistant Secretary at the time of application, and*
17 *each applicant that receives such a grant shall certify*
18 *to the Assistant Secretary annually thereafter during*
19 *any period of time during which the funds from the*
20 *grant are available to the applicant, that no portion*
21 *of any designated E-911 charges imposed by a State*
22 *or other taxing jurisdiction within which the appli-*
23 *cant is located are being obligated or expended for*
24 *any purpose other than the purposes for which such*
25 *charges are designated or presented.*

1 “(3) *CONDITION OF GRANT.*—Each applicant for
2 a grant under this section shall agree, as a condition
3 of receipt of the grant, that if the State or other tax-
4 ing jurisdiction within which the applicant is located,
5 during any period of time during which the funds
6 from the grant are available to the applicant, obli-
7 gates or expends designated E-911 charges for any
8 purpose other than the purposes for which such
9 charges are designated or presented, all of the funds
10 from such grant shall be returned to the Secretary.

11 “(4) *PENALTY FOR PROVIDING FALSE INFORMA-*
12 *TION.*—Any applicant that provides a certification
13 under paragraph (1) knowing that the information
14 provided in the certification was false shall—

15 “(A) not be eligible to receive the grant
16 under subsection (b);

17 “(B) return any grant awarded under sub-
18 section (b) during the time that the certification
19 was not valid; and

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

22 “(d) *AUTHORIZATION; TERMINATION.*—

23 “(1) *AUTHORIZATION.*—There are authorized to
24 be appropriated to the Department of Commerce not

1 *more than \$100,000,000 for each of the fiscal years*
2 *2004 through 2008 for grants under this section.*

3 *“(2) TERMINATION.—The provisions of this sec-*
4 *tion shall cease to be effective on October 1, 2008.*

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

6 *“(1) OFFICE.—The term ‘Office’ means the E-*
7 *911 Implementation Coordination Office.*

8 *“(2) ELIGIBLE ENTITY.—*

9 *“(A) IN GENERAL.—The term ‘eligible enti-*
10 *ty’ means a State or local government or a tribal*
11 *organization (as defined in section 4(l) of the In-*
12 *dian Self-Determination and Education Assist-*
13 *ance Act (25 U.S.C. 450b(l))).*

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

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

24 *“(3) E-911 SERVICES.—The term ‘E-911 serv-*
25 *ices’ means both phase I and phase II enhanced 911*

1 *services, as described in section 20.18 of the Commis-*
2 *sion’s regulations (47 CFR 20.18), as in effect on the*
3 *date of enactment of this section, or as subsequently*
4 *revised by the Federal Communications Commission.*

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

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

13 *Within 90 days after the date of enactment of this Act,*
14 *the Federal Communications Commission shall submit a re-*
15 *port to the Committee on Energy and Commerce of the*
16 *House of Representatives and the Committee on Commerce,*
17 *Science, and Transportation of the Senate detailing—*

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 com-*
22 *pliance with the Commission’s phase II E-911 service*
23 *requirements received by the Commission from such*
24 *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 pend-*
4 *ing before it was granted or denied;*

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

7 (6) *when the pending requests will be granted or*
8 *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 in*
13 *the deployment of phase II E-911 services by such*
14 *tier III providers.*

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