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109TH CONGRESS *1st Session*	SENATE	REPORT 109–211

IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY ACT OF 2005

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1063

DECEMBER 20, 2005.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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DECEMBER 20, 2005.—Ordered to be printed

Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 1063]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1063) to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 1063 is to provide authority and guidance to the Federal Communications Commission (FCC) to ensure that 911 and E–911 services are made available to consumers of IP-enabled voice services. The bill does not reverse the FCC's actions to date. It directs the FCC to review its current rules and to issue any new rules as may be necessary to comply with this legislation within 120 days of enactment. The bill provides IP-enabled 911 and E–911 calls with the same level of liability protection as applies in the wireless and wireline context. To further ensure the deployment of 911 and E–911 capability, the bill mandates that access to necessary components of the 911 and E–911 network be made available to IP-enabled voice service providers. To improve 911 and E–911 services going forward, a national plan is required for migrating the 911 and E–911 network to an IP-enabled emergency network that would be able to offer additional capabilities.

BACKGROUND AND NEEDS

A functional 911 and E–911 system ensures that Americans can dial three digits in the case of an emergency and be connected to a dispatcher at the designated public safety answering point (PSAP) for the caller's location so that the emergency can be identified and emergency personnel can be deployed. An enhanced 911 (E–911) call provides the PSAP dispatcher with the callback number of the caller as well as the caller's geographic location, even if the caller is unable to speak. 911 and E–911 are essential public safety services that consumers have come to expect and rely upon.

As new communications technologies and services develop, new challenges arise in the context of providing 911 and E–911 service. IP-enabled voice services do not operate in the same manner as the wireline switched network so there are additional hurdles that must be overcome to make 911 and E–911 calls through the E–911 system. By acting now, Congress takes the necessary steps to ensure that 911 and E–911 are top priorities and are integrated into IP-enabled voice services.

On September 22, 2005, the Committee held a hearing on Communications in a Disaster. The importance of 911 and E–911 was highlighted, as was the utility of IP-enabled voice services in the event of mass emergencies. In general, the ability to leverage IP capabilities to quickly reroute calls around system failures was discussed. The Chairman of the FCC also spoke of the importance of updating PSAPs to easily allow 911 and E–911 calls to be rerouted from a PSAP where service has been disrupted to a functioning PSAP. In December, 2004, the Senate passed the ENHANCE 911 Act of 2004, which focuses on upgrading PSAPs to be able to offer full E–911 capability. On November 3, 2005, the Senate passed S. 1932, which would provide $250,000,000 for the ENHANCE 911 Act of 2004.

In June 2005, the FCC adopted a Report and Order requiring IP-enabled voice service providers to register a subscriber's location and offer 911 and E–911 service using that registered location. IP-enabled voice service providers expressed concern that the FCC had not required access to certain critical components of the E–911 network controlled by incumbent phone companies that are needed to complete 911 and E–911 calls. Additionally, the Order did not extend the liability protections afforded to wireline and wireless for the provision of 911 and E–911 capability to IP-enabled voice service providers, which raised liability concerns for the public safety community and industry. The FCC noted that it did not have authority to address the liability issue.

At the Executive Session for S.1063, Chairman Stevens and Co-Chairman Inouye along with the sponsor and primary cosponsor, Senators Nelson and Burns, respectively, offered an amendment in the form of a substitute to clarify the FCC's authority, provide liability protection and to provide access to the key components of the 911 and E–911 system.

SUMMARY OF PROVISIONS

S. 1063, the IP-enabled Voice Communications and Public Safety Act of 2005, provides authority and guidance to the FCC to ensure that IP-enabled voice service providers offer 911 and E–911 serv-

ices. The bill provides IP-enabled 911 and E–911 calls with the same level of liability protection as applies in the wireless and wireline context. The bill further mandates that access to necessary components of the E–911 network be made available to IP-enabled voice service providers. To improve 911 and E–911 services going forward, a national plan is required for migrating the 911 and E–911 network to an IP-enabled emergency network that would be able to offer additional public safety capabilities to all Americans.

Section 1 contains the short title of the bill, the "IP-Enabled Voice Communications and Public Safety Act of 2005."

Section 2 requires the FCC to review the rules established in its June 2005 Report and Order and revise or issue new rules as may be necessary and provides direction to the FCC to establish rules that are technologically and operationally feasible. It provides to IP-enabled voice service providers access to components of the 911 and E–911 network, preserves State authority to impose and collect 911 and E–911 fees and ensures that such fees are used to support 911 and E–911 services, and provides liability protection. It also grandfathers existing IP-enabled voice service subscribers and allows waivers where a provider can demonstrate that it is not technically or operationally feasible to offer 911 or E–911 service, and sunsets this waiver authority four years after the date of enactment. It makes clear that nothing in this Act impedes or interferes with the existing FCC Order.

Section 3 makes clear that the FCC's enforcement authority under the Communications Act of 1934 also applies to the provisions of S. 1063.

Section 4 outlines the parameters for the National Plan required under the bill migrating the 911 network to an IP-enabled emergency network that would be able to offer additional public safety capabilities to Americans and calls on the FCC to compile lists of all PSAPs and selective routers.

Section 5 provides definitions for key terms used in the bill including the definition of an IP-enabled voice service.

LEGISLATIVE HISTORY

The IP-Enabled Voice Communications and Public Safety Act of 2005 (S. 1063) was introduced by Senator Bill Nelson on May 18, 2005 and referred to the Senate Committee on Commerce, Science, and Transportation. There are four cosponsors of S. 1063, including Senator Burns and Senator Clinton as original cosponsors. Senators Snowe and Kerry are also cosponsors. On September 1, 2005 the Committee held a field hearing on 911 and VoIP in Great Falls, Montana. On November 2, 2005 the Committee considered the bill in an open Executive Session. Chairman Stevens and Co-Chairman Inouye offered an amendment in the nature of a substitute with Senators Bill Nelson and Burns. The substitute updated the bill in light of the FCC's action subsequent to the bill being introduced. Chairman Stevens, with Senators Bill Nelson and Burns, also offered a manager's package to the substitute. The substitute and manager's package were both adopted by voice vote. Amendments offered by both Co-Chairman Inouye and Senator Sununu were also adopted. Co-Chairman Inouye's amendment sunsets the FCC's waiver authority under the bill after four years, and was adopted by voice vote. Senator Sununu's amendment was adopted by a vote

of 13 to 9 and clarified that the FCC cannot impose technology mandates in adopting its 911 and E–911 regulations. The Committee, without objection, ordered that S. 1063 be reported with the amendments.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

NOVEMBER 16, 2005.

Hon. TED STEVENS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1063, the IP-Enabled Voice Communications and Public Safety Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Melissa Z. Petersen (for federal costs), Sarah Puro (for the state and local impact), and Craig Cammarata (for the private-sector impact).

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

S. 1063—IP-Enabled Voice Communications and Public Safety Act of 2005

Summary: S. 1063 would amend current law and regulations regarding emergency 911 telephone service and the Internet-based telephone service known as Voice-over-Internet-Protocol (VOIP). The bill would direct the Federal Communications Commission (FCC) to consider temporary waivers to the current requirement that VOIP providers connect users to emergency 911 service by November 28, 2005. The bill also would require the federal E–911 Implementation Coordination Office to create a plan for a transition to an Internet-based emergency network. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost about $1 million over the 2006–2010 period. Enacting the bill would not affect direct spending or revenues.

S. 1063 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) including limitations on the imposition and use of certain fees that state and local governments can charge providers of a VOIP service. CBO estimates that the costs of these provisions to state, local, and tribal governments would grow over time but would not exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation) in any of the first five years that the mandates are in effect.

S. 1063 would impose a private-sector mandate as defined in UMRA on all private entities that own 911 components necessary to transmit VOIP emergency services over their networks. Based on information provided by industry and government sources, CBO expects that the aggregate direct costs of complying with the man-

date would be minimal and would fall below the annual threshold established by UMRA for private-sector mandates ($123 million in 2005, adjusted annually for inflation).

Estimated cost to the Federal Government: Under current law, VOIP providers must connect their users to emergency 911 services by November 28, 2005. S. 1063 would require the FCC to consider waivers for VOIP providers who may have technical difficulties complying with this requirement by the deadline. The bill also would require the E–911 Implementation Coordination Office to create a plan to transition national 911 communications from telephone service to the Internet.

Based on information provided by the FCC, CBO estimates that administrative costs for processing waivers applications from VOIP providers would cost about $1 million in 2006. Costs could be higher depending on the number of applications. We estimate that issuing regulations and planning for an Internet-based 911 system would cost less than $500,000 over the 2006–2010 period. Enacting the bill would not affect direct spending or revenues.

Estimated impact on state, local, and tribal governments: S. 1063 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act including limitations on certain fees that state and local governments impose on providers of VOIP, a preemption of state liability laws, and a requirement on public safety answering points (PSAPs) to comply with requests for information from the FCC. CBO estimates that the costs of these provisions to state, local, and tribal governments would grow over time but would not exceed the threshold established in UMRA ($62 million in 2005, adjusted annually for inflation) in any of the first five years that the mandate is in effect.

Limitations on fees

Section 2(c) would prohibit state, local, and tribal governments from imposing fees on VOIP providers that exceed those imposed on other telecommunications providers. The bill also would require that intergovernmental entities spend 911 fees collected from VOIP providers only for support of emergency communications.

VOIP is a relatively new technology and few states are currently imposing 911 fees on this service. It is possible that some state and local governments would choose to impose such fees at a rate higher than those charged on other telephone services, but CBO has no information upon which to make such an assumption at this time. Furthermore, most states impose 911 fees on wire line and wireless services that are similar, implying the likelihood that such fees on VOIP also would be similar. Therefore, CBO estimates that the costs to state and local governments from the bill's limitation on fees, while they might grow over time, would likely be small over the next five years.

Preemption of state liability laws and requirements on PSAPs

Section 2(f) would preempt state liability laws covering PSAPs and other governmental entities that answer VOIP-connected 911 calls. This provision would provide PSAPs, providers, or users of VOIP the same protection granted to wireless and wireline entities and would benefit intergovernmental entities by protecting them from liability claims.

Section 4 would require PSAPs to comply with certain nominal information requests from the FCC and would not be costly.

Estimated impact on the private sector: S. 1063 would impose a private-sector mandate as defined in UMRA on all private entities that own 911 components necessary to transmit VOIP emergency services over their networks. Section 2 of the bill would require all VOIP service providers to have full access to the necessary 911 components. Owners of 911 components would be able to charge VOIP service providers a fee for using their network components, but would be mandated to enter into such agreements with those providers. Large private entities that own 911 components have most of the infrastructure in place to comply with the mandate. Some smaller owners of 911 components may not have such capacity and would incur costs to comply with the mandate. Based on information provided by industry and government sources, CBO expects that the aggregate direct costs of complying with the mandate would be minimal and would fall below the annual threshold established by UMRA for private-sector mandates ($123 million in 2005, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Melissa Z. Petersen. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 1063 is intended to extend 911 and E–911 requirements to IP-enabled voice service providers. The bill affects IP-enabled voice service providers and other entities already subject to 911 and E–911 regulations. Most IP-enabled voice service subscribers either transition from existing voice services for which 911 and E–911 requirements already apply or use IP-enabled voice services in addition to other voice services. As such, there is not a significant increase to the number of persons subject to 911 or E–911 regulations.

ECONOMIC IMPACT

S. 1063 would not have an adverse economic impact on the nation's economy.

PRIVACY

The reported bill would have no impact on the personal privacy of U.S. citizens.

PAPERWORK

The reported bill should not significantly increase paperwork requirements for individuals and businesses.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the "IP-Enabled Voice Communications and Public Safety Act of 2005".

Section 2. Emergency service

Subsection (a).—911 and E–911 services

Subsection (a) would give the FCC authority and direction to revise or adopt new regulations as may be necessary to ensure 911 and E–911 services are available to IP-enabled voice service subscribers taking into consideration the technological and operational feasibility of providing such service. The FCC is charged with setting a reasonable time frame for companies to come into compliance with the regulations. This subsection also would permit the FCC to delegate to appropriate State entities the authority to enforce the FCC's 911 and E–911 rules.

It makes clear that the bill does not reverse the FCC Report and Order released in June 2005, but instead supplements that action.

Subsection (b).—Non-discriminatory access to capabilities

Subsection (b) would require the FCC to establish regulations to provide IP-enabled voice service providers with the same access to the components of the public safety network for 911 and E–911 services as is enjoyed by commercial mobile service providers (i.e., wireless carriers), while allowing the FCC to consider any technical or security issues that might apply with respect to IP-enabled voice services that would not apply with respect to commercial mobile service providers.

This approach would ensure certainty and expediency of regulations based on an already established model rather than creating a new regime. Certainty is important given the pressing need to make 911 and E–911 services available as quickly as possible.

Subsection (c).—State authority over fees

Subsection (c) would permit States to charge IP-enabled voice service providers a 911 or E–911 fee to support E–911 services so long as the fee does not exceed what is charged or imposed on providers of telecommunications service and so long as the fee is used to support 911 and E–911 services or enhancements to such services.

Subsection (d).—Grandfathering of current IP-enabled voice service subscribers

Subsection (d) would allow IP-enabled voice service providers who are not able to meet the FCC's requirements to grandfather their existing customer base as of December 31, 2005 so long as they provide notice to their subscribers of the lack of 911 and E–911 services. After December 31, 2005, those providers will not be permitted to sign up new subscribers unless they are in compliance with the FCC's regulations or if they obtain a waiver. This provision will prevent termination of service for existing IP-enabled voice subscribers, as these providers would otherwise be required to shut off service to existing subscribers under the FCC's rules be-

fore they are able to come into compliance with the FCC's rules. A provider of IP-enabled voice service would be required to file a report with the FCC to explain its efforts to comply with the 911 and E–911 rules.

Subsection (e).—Technical and operational feasibility

Subsection (e) would provide a waiver process by which IP-enabled voice service providers may continue to add subscribers after December 31, 2005. A waiver requires a provider to demonstrate to the FCC that it is technically or operationally infeasible to comply with its rules and then permits the FCC to grant waivers of limited duration (not more than a year) that may also be limited in geographic area (for instance, limited to where E–911 service is not supported by the PSAP). In addition, a provider of IP-enabled voice service is required to provide separate, clear and conspicuous notice and obtain subscriber acknowledgement of the lack of 911 and/or E–911 services. These limits and the high standard are aimed at striking the right balance of ensuring that service providers identify and implement solutions to offer 911 and E–911 service while still being able to offer service to new subscribers where they cannot offer 911 and E–911 service for reasons beyond their control. The waiver authority provided under this subsection would sunset 48 months after the date of enactment. The FCC's general regulatory authority to waive its regulations for good cause shown would remain after that time. After the special waiver authority established in this Act sunsets, all voice communications providers will be treated similarly when seeking waivers of the FCC's applicable 911 and E–911 regulations. The Committee notes that special waiver provisions have been adopted elsewhere in the Communications Act.

Subsection (f).—Parity of protection for provision or use of IP-enabled voice service

Subsection (f) would extend the liability protection afforded to other voice services, such as wireline and wireless voice services, to IP-enabled voice services, including protection for good Samaritans, PSAPs, and providers of IP-enabled voice service, as well as their employees and their agents.

The intent is to provide IP-enabled voice service providers with the same liability protections under Federal and State law as are provided to wireless and wireline voice providers by explicitly referencing Public Law 106–81, the Wireless Communications and Public Safety Act of 1999, for wireless carriers. The certainty is important for both the public safety community as well as industry.

Subsection (g).—Limitation on commission

Subsection (g) would clarify that the FCC in promulgating its regulations shall not specify a particular technology or develop a standard that would favor a particular technology. This subsection does not prevent the FCC from adopting open standards or performance standards of general applicability.

Section 3. Enforcement

Section 3 would provide the FCC with the same enforcement authority for violations of the IP-Enabled Voice Communications and

Public Safety Act of 2005 as the FCC has under the Communications Act of 1934.

Section 4. Migration to IP-enabled emergency network

Subsection (a) would require the E–911 Implementation Coordination Office to develop a national plan for migrating the 911 network to an IP-enabled emergency network that would be able to transmit additional public safety information beyond the location of the call and outlines some of the components of the plan.

Subsection (b) would require the FCC to compile a list of all known PSAPs and make certain information available to the public and subsection (c) would require the FCC to compile a list of selective routers and make such list available to IP-enabled voice service providers and other telecommunications service providers.

Section 5. Definitions

Section 5 defines "911", "911 Component", "E–911 service", "IP-enabled voice service", and "PSAP". IP-enabled voice service is defined as a voice service provided for a fee using Internet Protocol that can make calls to and receive calls from the public switched telephone network. The definition is designed to identify the elements that are most critical for an IP-enabled voice service to act as a substitute to traditional wireline phone service. The definition of IP-enabled voice service is not intended to cover services that are connected to the public switched telephone network in only one direction. If a user combines two one-way services, that user-created service is not intended to fall under the definition of an IP-enabled voice service, so long as the entity providing the one-way services is not marketing those services together, or the combination of those services, as a replacement service for traditional wireline telephone service. The definition of IP-enabled voice service is also not intended to cover services commonly referred to as conference calling services regardless of whether users call into or are called through the conference calling service and regardless of the numbering system used to access such service. One critical respect in which the definition differs from the FCC definition is that it does not require a broadband service. Because broadband service is defined by speed and can change over time, it is not included to ensure that any IP-enabled voice services that do not require a broadband connection are still covered by this Act.

ROLLCALL VOTES IN COMMITTEE

Senator Sununu offered an amendment clarifying that the FCC cannot impose technology mandates in adopting its regulations. On a rollcall vote of 13 yeas and 9 nays as follows, the amendment was adopted:

YEAS—13	NAYS—9
Mr. McCain [1]	Mr. Inouye
Mr. Burns	Mr. Rockefeller [1]
Mr. Lott [1]	Mr. Kerry [1]
Mrs. Hutchison	Mr. Dorgan [1]
Ms. Snowe	Mrs. Boxer [1]
Mr. Smith [1]	Mr. Nelson of Florida
Mr. Ensign [1]	Mr. Lautenberg [1]

Mr. Allen
Mr. Sununu
Mr. DeMint
Mr. Vitter [1]
Ms. Cantwell
Mr. Stevens
Mr. Nelson of Nebraska
Mr. Pryor

[1] By proxy

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

SEC. 158. COORDINATION OF E–911 IMPLEMENTATION.

[47 U.S.C. 942]

(a) E–911 IMPLEMENTATION COORDINATION OFFICE.—

(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E–911 services; and

(B) create an E–911 Implementation Coordination Office to implement the provisions of this section.

(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

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

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E–911 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

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

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

(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E–911 services.

(b) PHASE II E–911 IMPLEMENTATION GRANTS.—

(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation and operation of Phase II E–911 [services.] *services, and, upon completion of development of the national plan for migrating to a national IP-enabled emergency network under subsection (d), for migration to an IP-enabled emergency network.*

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

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

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

(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of E–911 services, except that such designation need not vest such coordinator with direct legal authority to implement E–911 services or manage emergency communications operations;

(iii) has established a plan for the coordination and implementation of E–911 services; and

(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E–911 services; or

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

(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days after the date of enactment of the ENHANCE 911 Act of 2004, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section.

(c) DIVERSION OF E–911 CHARGES.—

(1) DESIGNATED E–911 CHARGES.—For the purposes of this subsection, the term "designated E–911 charges" means any

taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve E–911 services.

(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E–911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E–911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

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

(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

(C) not be eligible to receive any subsequent grants under subsection (b).

(d) MIGRATION PLAN REQUIRED.—

(1) NATIONAL PLAN REQUIRED.—No more than 18 months after the date of the enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

(A) outline the potential benefits of such a migration;

(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

(C) include a proposed timetable, an outline of costs and potential savings;

(D) provide specific legislative language, if necessary, for achieving the plan;

(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the IP-Enabled Voice Communications and Public Safety Act of 2005.

(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.

[(d)] *(e)* AUTHORIZATION; TERMINATION.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than $250,000,000 for each of the fiscal years 2005 through 2009, not more than 5 percent of which for any fiscal year may be obligated or expended for administrative costs.

(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2009.

[(e)] *(f)* DEFINITIONS.—As used in this section:

(1) OFFICE.—The term "Office" means the E–911 Implementation Coordination Office.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Highway Traffic Safety Administration.

(3) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term "eligible entity" means a State or local government or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

(B) INSTRUMENTALITIES.—Such term includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide E–911 services.

(C) EXCEPTION.—Such term does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

(4) E–911 SERVICES.—The term "E–911 services" means both phase I and phase II enhanced 911 services, as described in section 20.18 of the Commission's regulations (47 C.F.R. 20.18), as in effect on the date of enactment of the ENHANCE 911 Act of 2004, or as subsequently revised by the Federal Communications Commission.

(5) PHASE II E–911 SERVICES.—The term "phase II E–911 services" means only phase II enhanced 911 services, as described in such section 20.18 (47 C.F.R. 20.18), as in effect on such date, or as subsequently revised by the Federal Communications Commission.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern

Mariana Islands, and any territory or possession of the United States.

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