

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2898
OFFERED BY MR. UPTON

Strike all after the enacting clause and insert the following:

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 (a) IN GENERAL.—Part C of title I of the National
6 Telecommunications and Information Administration Or-
7 ganization Act (47 U.S.C. 901 et seq.) is amended by add-
8 ing at the end the 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 shall establish an E-911 Implementation Co-
14 ordination Office to facilitate coordination and com-
15 munication between Federal, State, and local emer-
16 gency communications systems, emergency per-
17 sonnel, public safety organizations, telecommuni-
18 cations carriers, and telecommunications equipment
19 manufacturers and vendors involved in the imple-
20 mentation of E-911 services.



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

2 “(A) take actions, in concert with coordi-
3 nators designated in accordance with subsection
4 (b)(3)(A)(ii), to improve such coordination and
5 communication;

6 “(B) develop, collect, and disseminate in-
7 formation concerning practices, procedures, and
8 technology used in the implementation of E-
9 911 services;

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

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

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

19 “(3) REPORTS.—The Assistant Secretary shall
20 provide an annual report to Congress by the first
21 day of October of each year on the activities of the
22 Office to improve coordination and communication
23 with respect to the implementation of E-911 serv-
24 ices.

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



1 “(1) MATCHING GRANTS.—The Assistant Sec-
2 retary, after consultation with the Secretary of
3 Homeland Security and the Chairman of the Federal
4 Communications Commission, and acting through
5 the Office, shall provide grants to eligible entities for
6 the implementation of phase II E-911 services
7 through planning, infrastructure improvements, tele-
8 communications equipment purchases, and personnel
9 training.

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

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

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

21 “(i) has coordinated its application
22 with the public safety answering points (as
23 such term is defined in section 222(h)(4)
24 of the Communications Act of 1934) lo-
25 cated within the jurisdiction of such entity;



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

9 “(iii) has established a plan for the
10 coordination and implementation of E-911
11 services; and

12 “(iv) has integrated telecommuni-
13 cations services involved in the implemen-
14 tation and delivery of phase II E-911 serv-
15 ices; or

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

21 “(4) CRITERIA.—The Assistant Secretary shall
22 issue regulations within 180 days of the enactment
23 of the E-911 Implementation Act of 2003, after a
24 public comment period of not less than 60 days, pre-
25 scribing the criteria for selection for grants under



1 this section, and shall update such regulations as
2 necessary.

3 “(c) DIVERSION OF 911 FUNDS.—

4 “(1) CERTIFICATION.—With respect to the im-
5 position of taxes, fees, or other charges imposed by
6 a State or other taxing jurisdiction that—

7 “(A) appear on telecommunications serv-
8 ices customers’ bills, and

9 “(B) are designated or presented as dedi-
10 cated to deliver or improve E-911 services,
11 each applicant for a matching grant under this sec-
12 tion shall certify annually to the Assistant Secretary
13 that no portion of the revenues derived from such
14 taxes, fees, or charges imposed by a State or other
15 taxing jurisdiction within which the applicant is lo-
16 cated have been obligated or expended for any pur-
17 pose other than the purposes for which such taxes,
18 fees, or charges are designated or presented.

19 “(2) PENALTY FOR PROVIDING FALSE INFOR-
20 MATION.—Any applicant that provides a certification
21 under paragraph (1) knowing that the information
22 provided in the certification was false shall—

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



1 “(B) return any grant awarded under sub-
2 section (b) during the time that the certification
3 was not valid; and

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

6 “(3) NOTIFICATION OF CONGRESS AND THE
7 PUBLIC.—If the Assistant Secretary fails to receive
8 any certification required by paragraph (1), then,
9 within 30 days after the date on which such certifi-
10 cation was due, the Assistant Secretary shall cause
11 to be published in the Federal Register, and notify
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate and the Committee on En-
14 ergy and Commerce of the House of
15 Representatives—

16 “(A) the identity of the applicant that
17 failed to make the certification, and the State
18 and other taxing jurisdiction within which the
19 applicant is located; and

20 “(B) the amount of taxes, fees, or other
21 charges described in paragraph (1) imposed by
22 that State or other taxing authority that were
23 expended for any purpose other than the pur-
24 poses for which such taxes, fees, or charges
25 were designated or presented.



1 “(d) AUTHORIZATION; TERMINATION.—

2 “(1) AUTHORIZATION.—There are authorized to
3 be appropriated to the Department of Commerce not
4 more than \$100,000,000 for each of the fiscal years
5 2004 through 2008 for grants under this section.

6 “(2) TERMINATION.—The provisions of this
7 section shall cease to be effective on October 1,
8 2008.

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

10 “(1) OFFICE.—The term ‘Office’ means the E-
11 911 Implementation Coordination Office.

12 “(2) ELIGIBLE ENTITY.—

13 “(A) IN GENERAL.—The term ‘eligible en-
14 tity’ means State and local governments and
15 tribal organizations (as defined in section 4(l)
16 of the Indian Self-Determination and Education
17 Assistance Act (25 U.S.C. 450b(l))).

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

23 “(C) EXCEPTION.—Such term does not in-
24 clude any entity that has failed to submit the
25 most recently required annual certification



1 under subsection (c) within 30 days after the
2 date on which such certification is due.

3 “(3) E-911 SERVICES.—The term ‘E-911 serv-
4 ices’ means both phase I and phase II enhanced 911
5 services, as described in section 20.18 of the Com-
6 mission’s regulations (47 CFR 20.18), as in effect
7 on the date of enactment of this section, or as subse-
8 quently revised by the Federal Communications
9 Commission.

10 “(4) PHASE II E-911 SERVICES.—The term
11 ‘phase II E-911 services’ means only phase II en-
12 hanced 911 services, as described in such section
13 20.18 (47 CFR 20.18), as in effect on such date, or
14 as subsequently revised by the Federal Communica-
15 tions Commission.”.

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

18 Within 90 days after the date of enactment of this
19 Act, the Federal Communications Commission shall sub-
20 mit a report to the Committee on Energy and Commerce
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate
23 detailing—



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

4 (2) the number of requests for waivers from
5 compliance with the Commission's E-911 phase II
6 requirements received by the Commission from tier
7 III service providers;

8 (3) the number of waivers granted or denied by
9 the Commission to tier III providers;

10 (4) how long each waiver request remained
11 pending before it was granted or denied:

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

14 (6) when the pending requests will be granted
15 or denied;

16 (7) actions the Commission has taken to reduce
17 the amount of time a waiver request remains pend-
18 ing; and

19 (8) the technologies that are the most effective
20 in the deployment of E-911 phase II services by tier
21 III service providers.

