



September 30, 2003

The Honorable W.J. "Billy" Tauzin
Chairman, Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Administration believes that Enhanced 911 (E-911), and especially wireless E-911, is critically important to the security and safety of the American people. The Departments of Commerce and Transportation commend the work of the Energy and Commerce Committee and the similar efforts of those in the United States Senate to expand E-911 coverage nationwide.

The Administration believes that H.R. 2898 could be improved by (1) establishing a joint program office to enhance the coordination of E-911 implementation efforts among Federal, State and local entities, and (2) addressing the problem of E-911 implementation within existing funding rather than creating a new grant program, which the Administration believes would be duplicative of current efforts.

Coordination of E-911 Implementation

The Administration suggests that the Committee amend H.R. 2898 to create an E-911 Joint Program Office to be administered by both the Assistant Secretary of Commerce for Communications and Information, and the Administrator of the National Highway Traffic Safety Administration (NHTSA). The Joint Program Office would be located in NHTSA and would coordinate with those Federal agencies responsible for E-911 implementation tasks and services including the Department of Homeland Security, the Department of Justice, and the Federal Communications Commission. The Joint Program Office would build on existing efforts within NHTSA and be responsible for coordinating Federal E-911 policies and strategies, and facilitating broader implementation among the States. The authorization for the Joint Program Office would sunset in three years and at that time the Joint Program Office would identify the appropriate agency to house the ongoing E-911 effort.

Costs of E-911 Implementation

The Administration recognizes that there are significant costs associated with implementing E-911, including the particular costs associated with wireless E-911, which must be dealt with by the State and local governments that operate the Nation's Public Safety Answering Points (PSAPs). While the Administration supports the Committee's goal of addressing the costs of E-911 implementation, the Administration believes Congress should consider more efficient and more cost-effective means to address this issue, rather than establishing a new grant program as outlined in H.R. 2898.

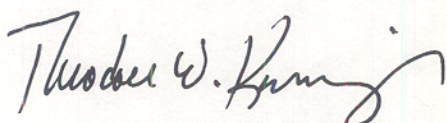
There is a range of Federal and private grant programs capable of providing support for E-911 implementation. (See the enclosed Appendix for examples of these programs.) The proposed E-911 Joint Program Office could leverage existing programs to address the costs of E-911, without the need to create a new grant program at this time. The Administration also believes that improved Federal leadership and coordination, within existing resources, could significantly improve the implementation of these essential wireless E-911 services.

A number of State and local governments have implemented successful E-911 programs with little or no Federal assistance, and further study is warranted to determine if their experiences could form the basis for Federal efforts. At the same time, however, other States have yet to fully implement their E-911 programs and some areas of the country have no E-911 programs at all. In a disturbing trend, many States collect consumer fees and taxes for the express purpose of funding E-911 programs, yet divert those funds to other uses unrelated to E-911.

The Administration shares the Committee's concern regarding States' diversion of funds originally collected from taxpayers for E-911 implementation. However, we believe the issue is better addressed by perhaps making existing grant funds that are made available for the express purpose of E-911 contingent upon states and localities not diverting E-911 funds collected at the State or local level.

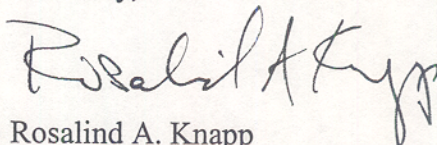
The bill requires the Assistant Secretary of Commerce for Communications and Information to prepare a report identifying, among other things, the amount of funds diverted from E-911 services by States or other taxing authorities. As currently written, however, the bill does not provide the Assistant Secretary with a mechanism with which to obtain this information from States or other taxing authorities. The Administration would appreciate the opportunity to examine this issue more closely with the Committee to ensure that the bill's fee diversion restrictions achieve their intended results.

The Administration looks forward to working with Congress to make E-911, and especially wireless E-911, a reality for all Americans. The Office of Management and Budget advises that it has no objection, from the standpoint of the Administration's program, to the submission of this letter for the consideration of the Committee.



Theodore W. Kassinger
General Counsel
U.S. Department of Commerce

Sincerely,



Rosalind A. Knapp
Deputy General Counsel
U.S. Department of Transportation

Enclosure

Identical letter sent to:

The Honorable John D. Dingell
Ranking Minority Member

With cc's to:

The Honorable Fred Upton

The Honorable Edward J. Markey

The Honorable John Shimkus

The Honorable Anna G. Eshoo