

CRS Report for Congress

Emergency Communications: The Future of 911

November 21, 2008

Linda K. Moore
Analyst in Telecommunications Policy
Resources, Science, and Industry Division



Prepared for Members and
Committees of Congress

Emergency Communications: The Future of 911

Summary

Today's 911 system is built on an infrastructure of analog technology that does not support many of the features that most Americans expect are part of an emergency response. Efforts to splice newer, digital technologies onto this aging infrastructure have created points of failure where a call can be dropped or misdirected, sometimes with tragic consequences. Callers to 911, however, generally assume that the newer technologies they are using to place a call are matched by the same level of technology at the 911 call center. This is not the case. For example, except for some work-around solutions, Public Safety Answering Points (PSAPs) — the call centers — cannot receive text messages. Delays in moving calls from digital to analog mode add life-threatening seconds to the completion of a 911 call. Information about a caller's location may not be accurate, especially in the case of wireless calls. Technology to supply accurate location information for wireless calls is useless unless the systems receiving and processing the call have matching capability. Modernizing the system to provide the quality of service that approaches the expectations of its users will require investments in new technologies. The general consensus is that these new technologies, collectively referred to as Next Generation 911 or NG9-1-1, should incorporate Internet Protocol (IP) networks and standards. An IP-based emergency communications network that supports 911 will facilitate interoperability and system resilience; improve connections between 911 call centers, emergency responders, and alert and warning systems; provide more robust capacity; and offer flexibility to receive calls for help in any format.

Recognizing the importance of providing effective 911 service, Congress has passed three major bills supporting improvements in the handling of 911 emergency calls. The most recent of these — the NET 911 Improvement Act of 2008 (P.L. 110-283) — requires the preparation of a National Plan for migrating to an IP-enabled emergency network. The plan is to be prepared by the E-911 Implementation Coordination Office (ICO), created to meet requirements of an earlier law, the ENHANCE 911 Act of 2004 (P.L. 108-494). ICO is co-administered by the National Telecommunications and Information Administration and the National Highway Traffic Safety Administration of the U.S. Department of Transportation (DOT). The plan will likely incorporate elements from studies done by DOT.

The ICO is scheduled to terminate on October 1, 2009. Although Congress has required that the National Plan be completed in April 2009, this leaves little time to implement recommendations; other goals set for the ICO by Congress will likely not be met. The National Plan could guide policies to strengthen the nation's 911 system, if there is an agency or organization to provide the needed leadership to implement the plan's recommendations and other policy decisions. To assure continuity of leadership, Congress may choose to re-authorize the ICO. It could also consider other means to coordinate Congressional policy and monitor progress toward the fundamental policy goal of creating an IP-enabled emergency communications network.

Contents

Next Generation 911	2
Congressional Policy for NG9-1-1	5
Summary of 911 Legislation and Policy	6
The 911 Act and Federal Communications Commission Regulations	7
FCC Study: The Hatfield Report	8
The ENHANCE 911 Act of 2004	9
The NET 911 Improvement Act of 2008	9
Building Policy and Creating the Base for Change	11
Equality of Service and Access to 911	11
Mechanisms to Improve Funding for PSAPs and Monitor Collections and Disbursements	12
Federal Leadership in Improving 911 Capabilities	12
Transition to IP-Enabled 911 Systems	13
Effecting Change	14
New Technologies	14
NG9-1-1: Department of Transportation Programs	14
NG9-1-1: Goals and Features	15
Pilot Program	15
Next Step	16
Investment in Infrastructure	16
Devices	16
Local Networks	16
Call Centers	17
Interfaces with First Responders	17
Investment in NG9-1-1	17
Federal Grants	18
The Potential Role of the Department of Homeland Security	19
National Emergency Communications Plan	19
Congress and the Emergency Communications Safety Net	20
Benefits of Re-Authorizing the E-911 Implementation Coordination Office	21
Primary Policy Goal	21
Supporting Policy Goal: Organization	21
Supporting Policy Goal: Infrastructure	22
Appendix: 911 Legislation and Policy	23
Equality of Service and Access to 911	23
Equality of Access Devices	23
Equality of Coverage	24
Equality for the Disabled	26
Mechanisms to Improve Funding for PSAPs	27
Federal Funding for 911 in Rural Areas	28
Funding for 911 by States and Communities	29
Federal Leadership in Improving 911 Capabilities	29

The Role of the FCC 29
The Role of the E-911 Implementation Coordination Office 30
Transition to IP-Enabled 911 Systems: The NET 911 Improvement
Act of 2008 31

Emergency Communications: The Future of 911

The underlying systems for 911 calls today operate almost exclusively on analog technology, using an architecture of circuits and switches developed when the American Telephone & Telegraph Company was a regulated monopoly providing most of the nation's telephone service.¹ Modern communications innovations such as digitization, packet switching, and Internet Protocol (IP) standards are alien concepts in an outdated system design that "literally chokes off the use of all but the most rudimentary features of modern end-user devices and stifles the development of more specialized equipment and services."² Systems for 911, unable to accommodate the latest advances in telecommunications technology, are increasingly out-dated, costly to maintain, and in danger of failure.³

Consumer expectations for accurate and timely response to 911 calls are based on the advanced features available on most communications devices, not on the reality of a faltering legacy system. The analog system cannot carry text messages, for example. Calls are delayed or dropped when analog and digital systems do not mesh. Information on the location of the call is lost because the digital details cannot be transmitted by the underlying telecommunications infrastructure or understood by the computers at Public Safety Answering Points (PSAPs). PSAPs are the call centers that receive and relay 911 calls. As summarized in a National Emergency Number Association (NENA) report, "Simply put, the 9-1-1 system has not kept up with technology and is badly in need of modernization."⁴ Modernizing the system to provide the quality of service that approaches the expectations of its users will require investments in new technologies. The general consensus is that present and future digital communications would be best supported by Next Generation 911 technology (NG9-1-1). The term NG9-1-1 is widely used to refer to the modernization of all parts of the 911 system, including hardware, software, data, and

¹ Dale Hatfield, Brad Bernthal, and Phil Weiser, *Health of the US 9-1-1 System*, sponsored by the 9-1-1 Industry Alliance, 2008, Part II, "Section B. Background and Evolution of Our Nation's 9-1-1 System," page 20. Report at [http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf]. Viewed September 15, 2008.

² *Ibid.*, page 19.

³ *Ibid.* Part II, "Section D. Constraints and Shortcomings Associated with the Current 9-1-1 System." See also, "An SOS for 9-1-1 Systems in Age of High-Tech," by Shaila Dewan, *The New York Times*, April 6, 2007.

⁴ NENA, Next Generation Partner Program, *A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System: Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1*, page 2. Report at [http://www.nena.org/media/File/NG9-1-1PolicyMakerBlueprintTransitionGuide-Final_1.pdf]. Viewed October 22, 2008.

operational policies and procedures, all supported by multi-purpose emergency service networks.

Next Generation 911

The emergency communications network of the future is envisioned as IP-based, using standardized protocols, and providing a nationwide overlay of system links that can operate at the national, regional, tribal, state, or local level to best meet the needs of specific circumstances. Such a network, if fully realized, could support many types of emergency communications needs, including first responder networks and emergency alerts. A network overlay for 911 systems can, for example, facilitate interoperability and system resilience by bringing extra resources to devastated areas where 911 call centers are damaged or overwhelmed with calls. On a daily basis, it can provide foreign language assistance at any time, anywhere.⁵ Other benefits include better connections between 911 call centers, emergency responders, and alert and warning systems; more robust capacity; and the flexibility to receive calls for help in any format. Benefits like these are among the reasons that Congress has required the preparation of a National Plan to prepare 911 for the transition to an IP-enabled emergency communications network.⁶ An IP-enabled network for emergency communications has been defined as a “network based on an infrastructure allowing secured transmission of data among computers that use the Internet Protocol.”⁷

Implementing NG9-1-1 will require not only the development of an IP-enabled network and systems but will also entail changes in operational procedures, training, funding models, and state — and possibly federal — regulations and laws. The National Emergency Number Association (NENA) began planning for the future of 911 under the banner of NG9-1-1 in 2000.⁸ NENA started work on standards development for NG9-1-1 in 2003 and since then has taken the lead in defining, designing, and developing NG9-1-1 systems and solutions in partnership with other associations, as well as representatives from industry, government, and the public safety community.⁹ Support for NG9-1-1 now comes from a broad base, including

⁵ For example, the *Washington Post* reported that in 2007, in Fairfax County, VA, 911 calls were translated into 66 different languages. “Cellphones Drive Jump in 911 Use; Workloads and Costs Soar with Increased Calls and Translation Needs,” by Amy Gardner, October 26, 2008 at [<http://www.washingtonpost.com/wp-dyn/content/article/2008/10/25/AR2008102502052.html>]. Viewed October 28, 2008.

⁶ P.L. 110-283, Sec. 102, (3) “(d) “(1); 122 STAT. 2623.

⁷ 47 CFR Part 400, E-911 Grant Program, §400.2 Definitions. Federal Register, October 3, 2008; link at [http://www.ntia.doc.gov/frnotices/2008/FR_E911grants_081003.pdf]. Viewed October 3, 2008.

⁸ NENA NG9-1-1 Project at [<http://www.nena.org/pages/ContentList.asp?CTID=65>]. Viewed September 29, 2008.

⁹ For example, on May 2, 2007, NENA and The Association of Public-Safety Communications Officials International, Inc. (APCO) issued a joint statement announcing an agreement to work together in advancing the transition of 911 to new technologies and

(continued...)

- State and local managers for emergency communications and 911.
- Associations such as NENA, COMCARE,¹⁰ the National Association of Regulatory Utility Commissioners (NARUC),¹¹ the Association of Public-Safety Communications Officials International, Inc. (APCO),¹² and the National Association of State 911 Administrators (NASNA).¹³ Many other international, national, and state and local associations are also actively involved in supporting 911.¹⁴
- Alliances such as the 911 Alliance,¹⁵ the Alliance for Telecommunications Industry Solutions (ATIS),¹⁶ the Internet Engineering Task Force (IETF),¹⁷ and the E9-1-1 Institute — which supports the Congressional E9-1-1 Caucus.¹⁸
- Corporations and other commercial organizations serving public safety and emergency communications.¹⁹
- The Intelligent Transportation Systems (ITS) Public Safety Program and the National Highway Traffic Safety Administration (NHTSA) within the U.S. Department of Transportation (DOT).

⁹ (...continued)

capabilities. The two associations agreed to share information and coordinate activities. NENA will focus on technical and architectural components of new 911 systems and APCO will focus on the operational utility of these systems. See [<http://www.nena.org/media/files/NGNENA-APCOAllianceRelease.pdf>]. Viewed September 29, 2008.

¹⁰ COMCARE, Emergency Response Alliance at [<http://www.comcare.org/>]. Viewed September 29, 2008.

¹¹ Information at [<http://www.naruc.org/about.cfm>]. Viewed October 22, 2008.

¹² Information at [<http://www.apcointl.org/new/commcenter911/>]. Viewed September 29, 2008.

¹³ Information at [<http://www.nasna911.org/current-issues.php>]. Viewed October 22, 2008.

¹⁴ For example, the European Union supports the European Emergency Number Association — EENA 112, see [<http://www.eena.org/>].

¹⁵ At [<http://www.911alliance.org>]. Viewed September 19, 2008.

¹⁶ At [<http://www.atis.org/esif/>]. Viewed September 19, 2008.

¹⁷ At [<http://www.ietf.org/overview.html>]. Viewed September 19, 2008.

¹⁸ At [<http://www.e911institute.org/e911caucus.html>]; additional information at the E911 Institute web page [<http://www.e911institute.org/index.html>]. Both viewed September 2, 2008.

¹⁹ For example, members of the NENA Next Generation Partner Program as listed in *A Policy Maker Blueprint for Transitioning to the Next Generation 9-1-1 System: Issues and Recommendations for State and Federal Policy Makers to Enable NG9-1-1*, *op. cit.*

Notably, NENA and DOT have partnered to encourage the deployment of NG9-1-1. Among DOT's contributions in support of NG9-1-1 are the funding and supervision of five proof-of-concept pilots to test key components of NG9-1-1 in PSAPs.²⁰ In addition to the pilots established by DOT, at least six states and the District of Columbia are reported to have IP-based networks for emergency communications that will support NG9-1-1 systems.²¹

Congress created an E-911 Implementation Coordination Office (ICO) to participate in the efforts to improve 911 systems. The ENHANCE 911 Act of 2004 (P.L. 108-494) directed NHTSA to serve as co-administrator with the National Telecommunications and Information Administration (NTIA) in establishing and directing the ICO.²² The NET 911 Improvement Act of 2008 (P.L. 110-283) gave the office the further responsibility of creating the National Plan for the transition to an IP-enabled emergency communications network.²³

NENA estimates that the earliest a fully standards-compliant NG9-1-1 system could be in place would be mid-2010.²⁴ Two key federal programs — DOT's NG9-1-1 proof of concept and the ICO — are currently scheduled to end just as states and communities are beginning to deal with the logistics and costs of replacing out-of-date systems. Congress has set an April 2009 deadline for completion of the National Plan. This leaves little time to implement recommendations before the ICO's authorization expires on October 1, 2009. If ICO and DOT programs are not extended or replaced, the only federal agency with a continuing role in implementing national policies to improve 911 systems and services will be the Federal Communications Commission (FCC). The FCC has so far used its powers primarily as a regulator to enforce requirements for provision of 911 connections, not as an E-911 policy-making body.

²⁰ Participants that are testing the network prototype are: City of Rochester, NY — Emergency Communications Department; Seattle, WA — King County E-911 System; St. Paul, MN — Metropolitan Emergency Services Board, Ramsey County Emergency Communications Center; State of Montana — Public Safety Services Bureau; and State of Indiana — Office of State Treasurer, Indiana Wireless 911 Board. Source: "US DOT Announces Partnerships For Next Generation 9-1-1 Initiative — Proof of Concept," e-mail announcement, Laurie Flaherty, U.S. Department of Transportation, January 16, 2008.

²¹ These are Florida, Indiana, Minnesota, New Mexico, and Rhode Island. Source: NENA, Status of NG9-1-1 Related IP Networks, Demos and Trials at [<http://www.nena.org/pages/Content.asp?CID=373&CTID=65>]. Viewed July 23, 2008. Indiana is also participating as one of the DOT pilot projects to test the interface between state IP-networks and the national overlay being considered in DOT's NG9-1-1 program. According to DOT, Vermont has also established an IP backbone and numerous regional/local networks are upgrading to an IP-based network. Source: e-mail communication from Will Otero, Director, Legislative Affairs, National Highway Traffic Safety Administration, October 21, 2008.

²² P.L. 108-494, Sec. 104, "Sec. 158, "(a) "(2);118 STAT. 3987.

²³ P.L. 110-283, Sec. 102, (3) "(d) "(1); 122 STAT. 2623.

²⁴ *Ibid.*

Congressional Policy for NG9-1-1

The implementation of IP-based NG9-1-1 embraces many complex and inter-related decisions about, for example, governance, standards and technology, funding, and leadership. Congress has addressed some of these issues in the context of existing 911 infrastructure and technology, and has recognized the need to plan for the transition to the next generation. This transition will, over time, present many new policy issues. Congressional policy goals for the future could include

- Addressing emergency communications needs and goals with a policy statement that recognizes the convergence of technologies, especially IP-based networks and standards, that will place first responder networks, 911 systems, and emergency alert systems on common, interoperable platforms.
- Identifying the federal role in implementing national policies for emergency communications without eroding state or local authority.
- Defining the role of the Department of Homeland Security, especially the Regional Emergency Communications Coordination Working Groups that it supports, in guiding policies to sustain and improve 911 as part of its Emergency Communications Plan.
- Reviewing the federal regulatory role in promoting competition in the provision of network services to PSAPs.²⁵
- Designating radio frequency spectrum to provide connectivity to PSAPS, for example by using wireless technologies such as microwave transmission in place of fiber-optic cables.
- Addressing the quality of interfaces with other emergency communications networks, especially the radio links to first responders, and their spectrum needs.
- Providing funding solutions.
- Establishing national guidelines or requirements for minimum levels of 911 service.
- Establishing a program to assure that the quality of 911 services improves steadily, nationwide.

²⁵ The wireline circuits that complete the connection to the PSAPs are usually owned and operated by either an Incumbent Local Exchange Carrier (ILEC) or a Competitive Local Exchange Carrier (CLEC), operating under different regulatory requirements and protections. The Wireline Competition Bureau of the FCC oversees federal regulation of ILECs and CLECs.

The balance of this report describes the development of Congressional policy in support of 911, technology and infrastructure, federal programs, the transition to IP-enabled emergency communications, costs, and other elements of change before returning to a discussion of goals for the future.

Summary of 911 Legislation and Policy

This section discusses how past federal legislative and policy actions regarding 911 have established a base for the transition to IP-enabled systems. Three major laws supporting improvements in the handling of 911 emergency calls have been enacted since 1999. These and other laws support policy objectives and strategies that provide the base upon which future policy might be built. Analyzing the legislation as a continuum, these key goals emerge: equality of service and access to 911; mechanisms to improve funding for PSAPs and monitor collections and disbursements; federal leadership in developing better 911 capabilities; and transition to IP-enabled 911 systems. The major bills enacted into law are

- The Wireless Communications and Public Safety Act of 1999 (P.L. 106-81), often referred to as the 911 Act.
- The Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (P.L. 108-494), also titled the ENHANCE 911 Act of 2004.
- The New and Emerging Technologies 911 Improvement Act of 2008 (P.L. 110-283), also titled the NET 911 Improvement Act of 2008.

Provisions in other recently enacted laws have also contributed to the growing base of legislation in support of 911.

- The 21st Century Emergency Communications Act, Title VI, Subtitle D, in the Department of Homeland Security Appropriations Act, 2007 (P.L. 109-295) required that PSAPs be included as members of Regional Emergency Communications Coordination Working Groups established by the act.²⁶
- The Homeland Security Appropriations Act, 2007 (P.L. 109-295) required the FCC to prepare a report on state, local, and tribal plans for backup service for 911 and E-911 when PSAPS are disabled.²⁷
- The Deficit Reduction Act (P.L. 109-171),²⁸ as amended by the Implementing Recommendations of the 9/11 Commission Act of

²⁶ P.L. 109-295, Sec. 671 (b) “Title XVIII, “Sec. 1805, “(b) “(1) “(F); 120 STAT. 1439.

²⁷ P.L. 109-295, Sec. 674; 120 STAT. 1444.

²⁸ P.L. 109-171, Sec. 3011; 120 STAT. 27.

2007 (P.L. 110-53)²⁹ and the NET 911 Improvement Act of 2008,³⁰ provided up to \$43.5 million for grants for 911.

- The Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) included financial support of PSAPs as eligible uses for Urban Area Security Initiative and State Homeland Security Grant programs.³¹
- The Food, Conservation, and Energy Act of 2008 (P.L. 110-234) included language that authorized loans to improve 911 and other emergency communications capabilities in rural areas.³²

The 911 Act and Federal Communications Commission Regulations

To assist the effort to provide comprehensive 911 services nationwide, Congress in 1999 passed the Wireless Communications and Public Safety Act (P.L.106-81), often referred to as the 911 Act, that mandated 911 as the national emergency number³³ and provided for parity of wireless 9-1-1 services with the protections and authorizations already extended to wireline services.³⁴ Among its provisions, the law required the FCC to work with the states and the many other affected parties to deploy comprehensive wireless enhanced 911 (W-E911) service. Enhanced 911 service provides 911 call centers with Automatic Number Identification (ANI) and Automatic Location Identification (ALI).³⁵ Most wireline phone services provide ANI/ALI information.³⁶

The 911 Act set the broad goal of facilitating “the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the

²⁹ P.L. 110-53, Sec. 2302 and 2303; 121 STAT. 543.

³⁰ P.L.110-283, Sec. 102 (1); 122 STAT. 2623.

³¹ P.L. 110-53 Sec. 2008; 121 STAT. 283.

³² P.L. 110-234, Sec. 6107; 122 STAT. 1198.

³³ P.L. 106-81, Sec. 3. (a); 113 STAT. 1287

³⁴ P.L. 106-81, Secs. 4 and 5; 113 STAT. 1288-89.

³⁵ Automatic Number Identification (ANI) recognizes and displays the telephone number from which the call is placed. Automatic Location Identification (ALI) provides — in the case of wireline — the address associated with the telephone number or — in the case of wireless — the approximate geographic coordinates of the caller.

³⁶ An estimated 96% of counties in the United States provide some form of 911 service, of which 93% support enhanced 911 for wireline services. Source: National Emergency Number Association (NENA), “9-1-1 Fast Facts,” at [<http://www.nena.org/pages/Content.asp?CID=144&CTID=22>]. Viewed September 4, 2008.

Nation's public safety and other communications needs."³⁷ The FCC had taken a first step toward adopting rules for wireless enhanced 911 in 1996, citing provisions of the Communications Act³⁸ as the basis for its action. After Congress passed the 911 Act, the FCC plotted a course for reaching wireless in two phases. For Phase I, the wireless carriers were given a year to prepare for PSAP requests for Automatic Number Identification (ANI) and location-finder capabilities using technology existing at the time. By 2001, for Phase II, the carriers were to have identified and implemented new location-finder technologies (ALI). A 1999 FCC ruling established October 1, 2001, as the deadline for wireless carriers to meet guidelines for connecting 911 calls to PSAPs.³⁹

FCC Study: The Hatfield Report. Delays and complications in implementing wireless prompted the FCC to commission a study to examine deployment of 911 services in general and the cause of problems with wireless 911 calls in particular. The report, known as the Hatfield Report, was submitted to the FCC on October 15, 2002.⁴⁰ The author, Dale N. Hatfield, formerly Chief, Office of Engineering and Technology at the FCC, was assisted in his research by staff in the FCC's Commercial Wireless Division of the Wireless Telecommunications Bureau. The report's focus is primarily on technical and operational issues.⁴¹

Observations in the report that later became the basis for Congressional initiatives included

- The critical nature of location information in enhanced 911 in supporting first responders in emergencies.
- The “seriously antiquated” condition of the infrastructure that underlies 911 for both wireline and wireless emergency calls.
- The need for a national 911 office to act as a “champion” at the federal level.

In 2005, Mr. Hatfield began a follow-up study for the FCC on 911 topics, but it was later discontinued by the FCC. On April 10, 2007, Mr. Hatfield testified

³⁷ P.L. 106-81, Sec. 2. (b); 113 STAT. 1287.

³⁸ U.S.C. Title 47, Chapter 5, § 151, Communications Act of 1934. The FCC's charter includes “promoting safety of life and property through the use of wire and radio communication.” *Report and Order and Further Notice of Proposed Rulemaking*, adopted June 12, 1996 at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-96-264A1.pdf].

³⁹ FCC, *E911 Third Report and Order*, FCC 99-245, released October 6, 1999, at [<http://www.fcc.gov/Bureaus/Wireless/Orders/1999/fcc99245.pdf>].

⁴⁰ “A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services” at [<http://www.locatemodelcities.org/library/HatfieldReport.pdf>]. Viewed November 12, 2008.

⁴¹ A new report on 911, co-authored by Dale Hatfield, appeared in 2008. “Health of the US 9-1-1 System” at [http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf]. Viewed September 4, 2008.

before Congress regarding the work he had begun for the FCC and some of the preliminary conclusions regarding needed changes to the nation's 911 services.⁴² A new version of the study was subsequently published with support from the 9-1-1 Alliance, an industry group.⁴³

The ENHANCE 911 Act of 2004

Congress responded to the issues raised by the 2002 Hatfield Report, by the 9/11 Commission,⁴⁴ and by others, with the Ensuring Needed Help Arrives Near Callers Employing (ENHANCE) 911 Act of 2004 (P.L. 108-494). The act addressed a number of concerns that had been raised about the deployment of 911, including compliance, coverage in rural areas, and the use of fees levied by states and localities to help cover the cost of providing 911 services.

In response to the Hatfield Report's call for a federal champion, the act created the E-911 Implementation Coordination Office (ICO) to, among other responsibilities, oversee a grants program for the "implementation and operation of Phase II E-911 services."⁴⁵ Although funds were authorized in the law, no appropriations were forthcoming until a sum was allocated by the Deficit Reduction Act of 2005. (See further discussion in Appendix, "Mechanisms to Improve Funding for PSAPs.") In FY2008, DOT budgeted \$1.25 million for the operation of ICO.⁴⁶

The NET 911 Improvement Act of 2008

In the 110th Congress, both the House and Senate passed bills focused on ensuring access to 911 call centers for users of Voice Over Internet Protocol (VOIP) services, and improving the delivery of 911 services nationwide. These bills became the New and Emerging Technologies (NET) 911 Improvement Act of 2008 (P.L. 110-283). The key provisions of the law are

⁴² Senate, Committee on Commerce, Science, and Transportation, Hearing on "Voice over Internet Protocol (VoIP) and the Future of 9-1-1 Service," April 10, 2007. Among other actions taken by Congress, the circumstances surrounding the discontinuance of the study were also explored in hearings in the House of Representatives by the Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, "Oversight of the Federal Communications Commission," March 14, 2007; and by the Committee on Appropriations, Subcommittee on Financial Services and General Government, "The Federal Communications Commission," April 17, 2007.

⁴³ "Health of the US 9-1-1 System" at [http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf].

⁴⁴ The 9/11 Commission recommended that 911 call centers be included in planning for emergency responses. *Final Report of the National Commission on Terrorist Attacks Upon the United States*, Official Government Edition, 2004, p. 318.

⁴⁵ P.L. 108-498, Sec. 104, "Sec. 158, "(b) "(1); 118 STAT. 3987-3988.

⁴⁶ E-mail communication from Will Otero, Director, Legislative Affairs, National Highway Traffic Safety Administration, October 21, 2008.

- Duty to provide 911 and E-911 as established in the 1999 law extended to include IP-enabled voice services in accordance with existing FCC regulations at the time of passage of the act or as modified in the future.⁴⁷
- Parity of access to communications networks needed to complete 911 calls.⁴⁸
- Parity of protection from liability — provided for wireline and wireless carriers — extended to include communications through VOIP providers and other emergency service providers.⁴⁹
- National plan for migration to an IP-enabled 911 network, developed by the E-911 Implementation Coordination Office.⁵⁰
- Protection of the rights of states and other political subdivisions to levy fees on 911 services.⁵¹
- Requirement that FCC report annually on collection of state fees and other levies on 911 and E-911 services.⁵²

Prior to the passage of the 911 Act in 1999, the FCC had already established regulations for the new category of service providers — wireless carriers. Similarly, the FCC had established requirements for VOIP — another new category of service provider — in advance of the passage of the NET 911 Improvement Act of 2008.⁵³ The act confirmed the FCC’s authority to require VOIP service providers to comply with 911 connectivity requirements established for wireline and wireless voice and to include VOIP calls in its regulatory and oversight activities for 911. In accordance with requirements to issue regulations covering parity of access and related technical needs and capabilities for VOIP calls, the FCC issued a Report and Order on October 21, 2008.⁵⁴

⁴⁷ P.L. 110-283, Sec. 101, “Sec. 6 “(a); 122 STAT. 2620.

⁴⁸ P.L. 110-283, Sec. 101, “Sec. 6 “(b); 122 STAT. 2620.

⁴⁹ P.L. 110-283, Sec. 201; 122 STAT. 2624.

⁵⁰ P.L. 110-283, Sec. 102; 122 STAT. 2623.

⁵¹ P.L. 110-283, Sec. 101, “Sec. 6, “(f) “(1); 122 STAT. 2621.

⁵² P.L. 110-283, Sec. 101, “Sec. 6, “(f) “(2); 122 STAT. 2622.

⁵³ Notably, VOIP providers must: deliver all calls to a local 911 center; provide ANI/ALI information if the call center can receive it; and inform customers of limitations in VOIP service for delivering calls to 911. The FCC has a website with information about VOIP, E-911, and past FCC actions at [<http://www.voip911.gov/>].

⁵⁴ FCC, *Report and Order*, WC Docket No. 08-171, released October 21, 2008. A detailed discussion of the FCC’s interpretation of the act’s requirements is provided in the *Report and Order* at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-249A1.pdf].

Building Policy and Creating the Base for Change

The National Plan for the transition to IP-enabled emergency communications is expected to recommend specific legislative language, if necessary, for realizing the plan.⁵⁵ To capture the benefit of federal efforts and to consolidate its legislative gains in the support of 911, Congress may decide to act on the National Plan's recommendations or may implement their own measures in support of 911. This report identifies four policy objectives and strategies supported in the past by Congress, and by others, as the base upon which future policy might be built. These objectives could be addressed in the plan or may be addressed separately by Congress. The policies are

- Equality of service and access to 911.
- Mechanisms to improve funding for PSAPs and monitor collections and disbursements.
- Federal leadership in developing better 911 capabilities.
- Transition to IP-enabled 911 systems.

These policies are summarized below. More detailed discussions and documentation are provided in the Appendix.

Equality of Service and Access to 911

Through the laws that it has enacted, Congress has established the principle that 911 calls should provide the same level of information and responsiveness no matter what the communications device, or the location of the call, or the physical abilities of the caller. Congressional actions and FCC regulations have sought to expand the capacity of the existing 911 infrastructure to accommodate more types of devices, to improve caller location information, to provide wireless to more areas — with more precision — and to accommodate persons with disabilities.

In the case of 911 service, the twin policy goals of quality and equality may have bumped against the limits of the technologies currently in place. Significant new gains in accessibility and level of service appear to depend on implementing new technologies that are not supported by the current network architecture. Any new legislation intended to improve 911 service may need to address the substantial investments required to provide these improvements, including, for example, financial assistance in acquiring the needed technology.

⁵⁵ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(F) and “(G); 122 STAT. 2623.

Mechanisms to Improve Funding for PSAPs and Monitor Collections and Disbursements

Although Congress has established a federal program for grants and made 911 projects eligible for rural area loans, the bulk of funding for 911 services comes from states and municipalities and much of this is provided by fees assessed on telephone subscribers (including wireless and VOIP). Congress therefore has enacted several measures designed to oversee the use of fees and assure that they are applied for 911 or enhanced 911, as intended. For example, the program for 911 grants, under the direction of the E-911 Implementation Coordination Office, was structured to serve as both carrot and stick, with grants for improvements denied to those who have diverted funds collected for 911. The NET 911 Improvement Act of 2008 provided for federal monitoring of the collection and disbursement of fees by requiring the FCC to report annually on state fees and other levies on 911 and E-911 services.⁵⁶

NENA has advocated a greater role for federal grants programs to fund both existing and next generation 911 systems.⁵⁷ Through grant programs, the federal government can both encourage and guide the funding of 911 system improvements without diminishing state or local decision-making and authority.

Federal Leadership in Improving 911 Capabilities

The 911 Act and the ENHANCE 911 Act of 2004 established a baseline for Congressional expectations of federal agencies to support 911 services. The findings of the ENHANCE 911 Act of 2004, for example, stated

Enhanced 911 is a high national priority, and it requires Federal leadership, working in cooperation with state and local governments and with the numerous organizations dedicated to delivering emergency communications services.⁵⁸

The 911 Act set voluntary goals for the FCC to assist states in improving 911 services.⁵⁹ The ENHANCE 911 Act of 2004 required the creation of the E-911 Implementation Coordination Office (ICO) “to coordinate 911 services and E-911 services, at the Federal, State, and local levels.”⁶⁰ The NET 911 Improvement Act of 2008 gave the office the new responsibility of creating the National Plan.⁶¹ These

⁵⁶ P.L. 110-283, Sec. 101, “Sec. 6, “(f) “(2); 122 STAT. 2622.

⁵⁷ “NENA Applauds Presidential Signing of the New and Emerging Technologies 911 Improvement Act of 2008,” press release, July 23, 2008 at [<http://www.nena.org/pages/News.asp?CID=530&TID=2>]. Viewed September 23, 2008.

⁵⁸ P.L. 108-494, Sec. 102 (4) 118 STAT. 3986.

⁵⁹ P.L. 106-81, Sec. 3 (b); 113 STAT. 3.

⁶⁰ P.L. 108-494, Sec. 103, (1); 118 STAT. 3986.

⁶¹ House of Representatives, Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, Hearing on “Oversight of the National Telecommunications and Information Administration and Innovations in Interoperability,”

requirements provided an opportunity for the federal government to take a leadership role by emphasizing the need for federal agencies to work closely with state authorities to coordinate planning, information-sharing, and other steps. A chief concern expressed by emergency communications managers and others is the need for greater coordination of planning for NG9-1-1 among the states, to maximize benefits such as interoperability, system resilience through shared resources, and economies of scale.

Requirements embedded in grants programs can be a tool for guiding the actions of grant recipients and therefore provide a form of leadership. In creating the ICO, Congress intended that it provide guidance both through the 911 grants program and by taking actions, for example, to facilitate coordination and communication about improving 911. Congress may wish to take up the question of a continuing federal role in support of 911 services and the possibility of using the ICO as the main instrument for formulating and directing policy.

Transition to IP-Enabled 911 Systems

The NET 911 Improvement Act of 2008 has required the ICO to “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 and improving information-sharing among all emergency response entities.”⁶² The plan is to be delivered no more than 270 days after enactment of the bill,⁶³ a late-April 2009 deadline. The plan is to be developed in consultation with a broad range of representatives for public safety, persons with disabilities, equipment and service providers and others.⁶⁴ Congress required in the NET 911 Improvement Act of 2008 that the National Plan “assess, collect, and analyze the experiences” of trial deployments such as those conducted for NG9-1-1 by the Department of Transportation.⁶⁵ The various analyses of IP-based systems prepared as part of NG9-1-1 could provide the core of the National Plan.

The National Plan is expected to describe positive steps to include 911 in the transition to IP-enabled technologies and to provide recommendations where Congressional action could facilitate the process.⁶⁶ It is not clear what role, if any, a federal department or agency will have in deploying the new technologies. The transition could occur through the combined efforts of states with little participation by the federal government.

⁶¹ (...continued)

March 22, 2007, Testimony of John M.R. Kneuer, Assistant Secretary for Communications and Information, NTIA.

⁶² P.L. 110-283, (Sec. 102, 3) “(d) “(1); 122 STAT. 2623.

⁶³ *Ibid.*

⁶⁴ P.L. 110-283, Sec. 102, (3) “(d) “(3); 122 STAT. 2624.

⁶⁵ P.L.110-283, Sec. 102 (3) “(d) “(2) “(H) ; 122 STAT. 2623.

⁶⁶ P.L.110-283, Sec. 102 (3) “(d) “(2) “(F)and (G); 122 STAT. 2623.

Effecting Change

A number of stakeholders are working to improve 911 capabilities and bring them to the next generation of technologies. At the federal level, the Department of Transportation has been a leader in defining actions that need to be taken. One of the NG9-1-1 reports prepared for DOT, for example, discusses strategic options for funding, operations, standards and technology, and governance and policy.⁶⁷ The National Plan prepared by the ICO is required to provide specific actions to be taken to bring about change. The plan's publication could be the catalyst for a renewed debate that may address issues raised by the National Plan and in this report. A debate could prompt new legislation in support of the goals stated by Congress — such as equality of access and the desire to use new technology to improve quality — that could provide the basis for the next phase of federal leadership for 911. The cost of new systems and who should bear these costs are also of concern to Congress.

New Technologies

Investing in IP-enabled systems supports the twin goals of equality and quality. Only a digitized system with seamless IP-based connectivity can fully support the needs of groups that are currently poorly served by 911 systems, including those with disabilities, residents and travelers in rural areas, and workers and residents in high rise buildings. The current analog system, for example, can only support text messages to 911 in work-around arrangements; yet, text messaging is ideal for people with certain types of disabilities and is a more viable means of communication than voice in times of high demand and widespread service outages, situations that often follow a disaster. Better information on the source of a call, made possible by IP technologies, would be a boon for rural and urban areas, where different technological problems lead to the same consequence: inadequate location identification for incoming 911 calls.

NG9-1-1: Department of Transportation Programs. NHTSA has moved forward in assisting wireless E-911 as an extension of its Emergency Medical Service (EMS) mission. In 2002, under the leadership of then-Secretary of Transportation Norman Y. Mineta, DOT created the Wireless E9-1-1 Steering Council to foster cooperation and dialog among key participants.⁶⁸ In 2005, DOT announced plans to produce a national framework and deployment plan for an NG9-1-1 system, to be developed over a three-year period. The new initiative built on earlier wireless 911 projects within DOT. The NG9-1-1 program is administered within the Research and Innovative Technology Administration (RITA), part of DOT's Intelligent Transportation Systems (ITS) program. Management of the program is shared

⁶⁷ U.S. Department of Transportation, Intelligent Transportation Systems, "Next Generation 9-1-1 System Initiative: Preliminary Analysis of Cost, Value, and Risk, February 2008 at [http://www.its.dot.gov/ng911/pdf/NG911_FINAL_PreliminaryCostValueRiskAnalysis_v2.0_021208.pdf]. Viewed October 3, 2008.

⁶⁸ U.S. Department of Transportation, Wireless E9-1-1 Steering Council, *Wireless E9-1-1 Priority Action Plan*, Foreword, at [http://www.itsdocs.fhwa.dot.gov/JPODOCS/REPTS_TE/13884.html]. Viewed September 15, 2008.

between the ITS Public Safety Program and NHTSA, with assistance from the consulting firm, Booz Allen Hamilton.⁶⁹

NG9-1-1: Goals and Features. DOT has published technical requirements and a concept of operations for NG9-1-1, has implemented a strategic outreach plan, has begun work to develop and validate requirements for the NG9-1-1 system, has defined the system architecture, and has developed a preliminary transition plan.⁷⁰ In the concept of operations, DOT stated

The primary goal of the NG9-1-1 System is to save lives, health, and property by improving emergency services access and response in the United States. The state of the NG9-1-1 System also has a major effect on transportation security, mobility, and efficiency.⁷¹

The major features of the envisioned NG9-1-1 System that support this goal are described as

- Enable E-911 calls from any networked communications device.
- Enable geographic-independent call access, transfer, and backup among PSAPs and between PSAPs and other authorized emergency organizations.
- Encourage a flexible, open, non-proprietary, and secure architecture to facilitate the implementation of an interoperable network.
- Foster increased coordination and partnerships within the public safety community.
- Encourage standards coordination and interoperability in the United States and internationally.
- Maximize emergency services capital, operating, and maintenance cost savings.⁷²

Pilot Program. The long-term goals of the demonstration pilots are to define the system architecture and develop a transition plan that considers responsibilities, costs, schedule, and benefits for deploying NG9-1-1 nationwide. High-level functional components that have been successfully tested include

⁶⁹ Background at [<http://www.its.dot.gov/NG911/>].

⁷⁰ U.S. Department of Transportation, Intelligent Transportation Systems, “Preliminary Transition Plan,” April 2008, at [http://www.its.dot.gov/ng911/pdf/ng911_preliminary_transition.pdf]. Viewed September 29, 2008.

⁷¹ U.S. Department of Transportation, Intelligent Transportation Systems, “Next Generation 9-1-1 System Initiative: Concept of Operations,” April 2007, page 8, at [http://www.its.dot.gov/ng911/pdf/NG911ConOps_April07.pdf]. Viewed September 29, 2008.

⁷² *Ibid.*

- Ability to send and receive voice, video, text, and data.
- Improvement to 911 access for deaf/hearing-impaired.
- Caller location identifications.
- Transmission of telematics data directly to the PSAP (referred to as Advanced Automatic Crash Notification) like location, speed, vehicular rollover, and crash velocity.
- 911 call routing and call transfer based on caller's location.
- IP networking and security in an emergency communications environment.⁷³

Next Step. Following completion of the demonstration pilots, data gathered during the proof of concept testing will be analyzed and used to revise and complete the project's preliminary system architecture and transition plan.⁷⁴ Reportedly, after the pilot programs end in November 2008, the data will be shared with the ICO.⁷⁵

Investment in Infrastructure

The costs to improve 911 through investments in infrastructure can be categorized by several major and distinct functions of 911.⁷⁶ For the purposes of this analysis, four cost centers and typical sources of funding are summarized below. These are: devices, local networks, call centers, and interfaces with first responders.

Devices. The cost of developing devices that comply with FCC requirements for caller information for 911 calls, especially location information, are borne by the communications service providers and their suppliers, and by the consumers who subscribe to the services and buy these devices.

Local Networks. To accommodate the needs of enhanced 911, local networks that provide routers and other infrastructure invest in upgrades to their facilities. The costs for these investments to route calls may be reimbursed through a state's 911

⁷³ U.S. Department of Transportation, Intelligent Transportation Systems, "Next Generation 9-1-1 System Initiative: Proof of Concept Testing Report," September 2008, page 7 at [http://www.its.dot.gov/ng911/pdf/NG911_POCTesTReport091708.pdf]. Viewed November 13, 2008.

⁷⁴ "US DOT Next Generation 9-1-1 Initiative — Proof of Concept Begins," at [http://www.its.dot.gov/ng911/docs/ng911_initiative.htm]. Viewed September 12, 2008.

⁷⁵ "Five Cities Test High-Tech 911 System," by Matthew Daneman, *USA Today*, July 9, 2008 at [http://www.usatoday.com/news/nation/2008-07-08-new-911_N.htm]. Viewed September 8, 2008.

⁷⁶ *Health of the US 9-1-1 System, for example*, describes three major element of the process: "call delivery;" "call processing;" and "radio dispatch." Page 36 *et seq.* Report at [http://www.911alliance.org/9IA_Health_of_US_911%20_2_.pdf].

fund or may be passed on to the PSAPs that purchase access to the lines. Charges to PSAPs for communications services tend to rise as more features are added by their local exchange. In some areas of the country there is little competitive pressure to upgrade these links; the lack of access to an up-to-date infrastructure is one reason why some areas of the country do not have enhanced 911 or even basic 911 services.

Call Centers. To accommodate the information delivered through enhanced 911, PSAPs are required to invest in call-processing equipment, computers, databases, and other equipment. The capital for these investments may come from 911 or E-911 fees paid by subscribers into state 911 funds; the funds are also used for operating costs. State grants and local fund-raising initiatives are other sources for capital investment and operating costs. Federal grant programs target investments in PSAPs.⁷⁷

Interfaces with First Responders. The final step in processing a 911 call is to relay information to emergency responders. After the point of interface into the local first responder network, the effectiveness of the 911 system depends on the capacity of the response network. The emergency communications networks for public safety are also often constrained by the capabilities of old equipment as well as other operational limitations, such as insufficient radio frequency spectrum and lack of communications interoperability among different first responder groups. The upgrading of these networks are often considered as separate from improvements in 911 systems although some states have used 911 funds to help pay for public safety communications networks. Congress and the Bush Administration, as well as states and other entities, have typically addressed first responder communications networks through a different set of policies and programs; several required federal programs have yet to be fully realized.⁷⁸

Investment in NG9-1-1

Among the multiple factors and challenges of implementing NG9-1-1 are the costs of planning, replacing, and upgrading systems, and maintaining and operating these new systems. A preliminary analysis of cost, value, and risk prepared for DOT found that capital and operating costs would be comparable for improving the existing 911 system and migrating to NG9-1-1 under several scenarios that projected these costs over a 20-year period.⁷⁹ The model and assumptions used for the preliminary evaluation of costs will be revised by DOT based upon the results of the

⁷⁷ See Appendix, “Mechanisms to Improve Funding for PSAPs.”

⁷⁸ Among the CRS reports addressing these issues is CRS Report RL33747, *Emergency Communications Legislation: Implications for the 110th Congress*, by Linda K. Moore.

⁷⁹ U.S. Department of Transportation, Intelligent Transportation Systems, “Next Generation 9-1-1 System Initiative: Preliminary Analysis of Cost, Value, and Risk,” February 2008 at [http://www.its.dot.gov/ng911/pdf/NG911_FINAL_PreliminaryCostValueRiskAnalysis_v2.0_021208.pdf].

proof of concept pilot programs. A final projection of costs under differing scenarios is to be completed by year end 2008.⁸⁰

Several trends were identified as part of the value analysis process, primarily

- NG9-1-1 provides greater opportunities for cost savings and increased operational efficiencies than the current 911 environment.
- NG9-1-1 has greater potential to meet the public's expectations for accessibility than the current 911 environment.
- NG9-1-1 has greater scalability and flexibility than the current 9-1-1 environment.
- NG9-1-1 has greater potential to increase public and responder safety through inter-connectivity and interoperability than the current 911 environment.

The study therefore concludes that, to meet the needs of public safety and the general public's expectations, "the preferred solution is to migrate to the NG9-1-1 environment."⁸¹

Federal Grants

The federal grant program administered by the ICO is scheduled to disburse \$41,325,000 in matching grants in 2009.⁸² While allowing for consideration of developing 911 services for unserved communities, the proposed rules for the grant program would favor purchases of hardware and software for enhanced 911 and IP-enabled systems, as well as training in connection with these investments. The proposed allocation of funds would be by a formula that gives equal weight to population and the number of miles of public road in each state. No state that qualified for a grant would be allocated less than \$500,000 (\$250,000 for four territories covered by the program). Nine states would be entitled to receive over \$1,000,000 (California, Florida, Georgia, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas). States receiving funds must use them within three years, under the proposed rules. Because not all states will apply (or will perhaps not be eligible) to receive grants, states would be encouraged to submit supplemental requests for additional programs that might be funded.⁸³ An analysis of all requests

⁸⁰ E-mail communication from Will Otero, Director, Legislative Affairs, National Highway Traffic Safety Administration, October 21, 2008.

⁸¹ *Ibid.* Page ES-VII.

⁸² U.S. Department of Commerce News, "NHTSA and NTIA Unveil Grant program to help States Upgrade 9-1-1 Services," October 3, 2008 at [http://www.ntia.doc.gov/press/2008/E911grants_081003.pdf]. October 3, 2008.

⁸³ 47CFR Part 400, E-911 Grant Program. Federal Register, October 3, 2008; link at [http://www.ntia.doc.gov/frnotices/2008/FR_E911grants_081003.pdf]. Viewed October (continued...)

for program funding, not just for the grants approved, could provide information about the scope of investment needed to achieve a national 911 service.

The Potential Role of the Department of Homeland Security

The Department of Homeland Security Appropriations Act, 2007 (P.L. 109-295) provided for coordination of emergency communication grants,⁸⁴ and for the formation of Regional Emergency Communications Coordination (RECC) Working Groups.⁸⁵ The requirement to establish regional working groups responded in part to requests from the public safety community to include the second tier of emergency workers in planning for interoperable communications. Non-federal members of the RECC groups are to include first responders, state and local officials and emergency managers, and 911 call center personnel.⁸⁶ The Department of Homeland Security (DHS) is the lead agency for the RECC plans and for other emergency communications planning initiatives, notably the National Infrastructure Protection Plan, FEMA Disaster Emergency Communications planning, and the National Emergency Communications Plan.⁸⁷

National Emergency Communications Plan. As part of the grants process for interoperable communications, Congress required the preparation of a National Emergency Communications Plan (NECP).⁸⁸ DHS issued the NECP in July 2008.⁸⁹ The primary purpose of the plan is to provide an overarching strategy for emergency communications preparedness. To meet preparedness goals, the NECP provides guidelines and deadlines for emergency managers at all levels of government. The improvement of 911 systems and PSAP communications is among the plan's objectives for Disaster Communications Capabilities. Specifically, Initiative 7.2 of the NECP states that agencies with operational responsibilities "should evaluate the readiness posture of communications centers (e.g., Public Safety Answering Points)" for vulnerabilities. According to the plan, "System planning activities should account for the availability of alternative and backup communications solutions and redundant pathways (i.e., provided by different vendors) to support communications if primary capabilities become unavailable." A recommended 12-month milestone for this initiative is for RECC Working Groups to work with state and local agencies to assess priority vulnerabilities that could

⁸³ (...continued)
3, 2008.

⁸⁴ P.L. 109-295, Title VI, Sec. 671(b), "Title XVIII, "Sec. 1804; 120 STAT. 1438.

⁸⁵ P.L. 109-295, Title VI, Sec. 671(b), "Title XVIII, "Sec. 1805; 120 STAT. 1439.

⁸⁶ P.L. 109-295, Sec. 671(b), "Title XVIII, "Sec. 1805 "(b) "(1); 120 STAT. 1439.

⁸⁷ DHS, *National Emergency Communications Plan*, July 2008, Exhibit A3-1: Key Emergency Communications Policy and Planning Initiatives, page A-11. Plan at [http://www.dhs.gov/xlibrary/assets/national_emergency_communications_plan.pdf].

⁸⁸ P.L. 109-295, Sec. 671 (b) "Title XVIII, "Sec. 1802; 120 STAT. 1435-1436.

⁸⁹ DHS, *National Emergency Communications Plan*, July 2008, at [http://www.dhs.gov/xlibrary/assets/national_emergency_communications_plan.pdf].

weaken critical mission response. Milestones to be achieved within 24 months that apply to PSAPs and 911 systems include

- Develop plans and procedures to enhance emergency 911 systems and PSAP communications.
- Identify alternate and/or backup capabilities in emergency communications plans defined by all federal, state, local, and tribal agencies.⁹⁰

These goals for states to improve 911 systems are compatible with DOT's efforts with 911 and NG9-1-1; the DOT programs are referenced in the plan.⁹¹

The RECC Working Groups could play a part in forming future policies for the transition to NG9-1-1. The working groups could provide another opportunity for federal leadership in assisting 911, especially in coordinating the transition to IP-enabled emergency communications.

Congress and the Emergency Communications Safety Net

The 111th Congress may face unprecedented economic uncertainty when it convenes in January 2009. Even if an economic recovery appears likely, many states and communities could continue to feel the consequences of a loss in tax revenue and other financial constraints for some time. Cuts in expenditures on public services, including public safety, are underway or predicted in states and counties across the country. Improvements in 911 systems and investments in new radio systems and equipment for first responders could be among the expenditures that are cancelled or postponed by states and counties. The questions of who will fund the transition to NG9-1-1, and how — primary topics of debate — could become irrelevant, if there are no funds available, or could be subsumed by a larger debate over federal policies for economic stimulus.

The opening pages of this report identified some possible policy goals for Congress to consider in supporting the transition to next-generation 911 technologies. As discussed throughout this report, Congress has supported the goal of equality and quality for the existing 911 infrastructure and seems to have signaled its intentions to maintain its support during the transition to more advanced technologies.

⁹⁰ *Ibid.*, Objective 7: Disaster Communications Capabilities, Initiative 7.2, page 38.

⁹¹ *Ibid.*, Exhibit A3-2: Federal Tactical and Emergency Communications Systems and Services, pages A12-A13.

Benefits of Re-Authorizing the E-911 Implementation Coordination Office

For the nation to meet some of the suggested policy goals, restated below, may require integrating goals for 911 with other policy goals that are broader in scope, such as rebuilding infrastructure or assuring a modern radio network for public safety.⁹² Re-authorization of the E-911 Implementation Coordination Office, with the requirement to study and report to Congress on additional options for the transition to IP-enabled emergency communications, could be one path to bring 911 policies in line with other policies, such as upgrading communications infrastructure and improving federal assistance for emergency response and recovery after major disasters. Extending the authorization of the ICO might also be beneficial for states that want to apply for matching grants under the program being established for 911. Although under the proposed rules for the grant program the states have until 2012 to use the funds granted to them,⁹³ they have only 60 days to submit their requests.⁹⁴ This timetable is to ensure that the grant process is completed before the ICO's authorization ends.⁹⁵

A newly empowered ICO could be charged to address immediately the important policy considerations that may otherwise be addressed separately, and over time, after the National Plan for transition to IP-enabled emergency communications is submitted. It is important to establish an understanding within Congress of what is expected of 911 services and the infrastructure needed to support those services. A sequence of goals in support of 911 systems might follow along these lines.

Primary Policy Goal. Consider 911 call completion an essential service, establishing goals for improvements in quality and accessibility that are consistent with goals set for public safety and homeland security. Steps to achieve these goals could include

- Establishing national guidelines or requirements for minimum levels of 911 service.
- Establishing a program to assure that the quality of 911 services improves steadily, nationwide.

Supporting Policy Goal: Organization. Establish an enduring agreement for cooperation and mutual support between federal, state, county, local, and tribal

⁹² Ongoing efforts to create a new network with national coverage and interoperability are discussed in CRS Report RL34054, *Public-Private Partnership for a Public Safety Network: Governance and Policy*, by Linda K. Moore.

⁹³ 47 CFR Part 400, E-911 Grant Program, §400.10. Federal Register, October 3, 2008.

⁹⁴ *Ibid.* §400. 4 (b). Applies from the time rules are finalized and published in the Federal Register.

⁹⁵ Update on program activities provided in a telephone discussion with Kathy Smith, Chief Counsel for the NTIA, June 26, 2008.

governments to support public safety and emergency communications policy goals, including 911. Steps to achieve this could include

- Identifying the federal role in implementing national policies for emergency communications without eroding state and local authority.
- Providing funding solutions.
- Defining the role of the Department of Homeland Security, especially the Regional Emergency Communications Coordination Working Groups that it supports, in guiding policies to sustain and improve 911 as part of the Emergency Communications Plan.

Supporting Policy Goal: Infrastructure. Identify needed improvements in communications infrastructure, including wireless networks, to support IP-enabled emergency communications on a national basis. Steps to achieve this could include

- Addressing emergency communications needs and goals with a policy statement that recognizes the convergence of technologies, especially IP-based networks and standards, that will place first responder networks, 911 systems, and emergency alert systems on common, interoperable platforms.
- Reviewing the federal regulatory role in promoting competition in the provision of network services to PSAPs.⁹⁶
- Designating spectrum to provide connectivity to PSAPS, for example by using wireless technologies such as microwave transmission in place of fiber-optic cables.
- Addressing the quality of interfaces with other emergency communications networks, especially the radio links to first responders and their spectrum needs.

The information that is expected from the National Plan is important to Congressional consideration of any of the above-suggested goals and other goals that may be suggested. A first step for the 111th Congress, therefore, may be to exercise the necessary oversight to see that the plan is completed and delivered, as required by the NET 911 Improvement Act of 2008, before the end of April 2009. Congress could also consider the creation of other means to coordinate Congressional policy and monitor progress toward the inter-related goals of creating an IP-enabled

⁹⁶ The wireline circuits that complete the connection to the PSAPs are usually owned and operated by either an Incumbent Local Exchange Carrier (ILEC) or a Competitive Local Exchange Carrier (CLEC), operating under different regulatory requirements and protections. The Wireline Competition Bureau of the FCC oversees federal regulation of ILECs and CLECs. State regulations are also usually in place, typically administered by the state utility commission.

emergency communications network, improving first responder communications, and upgrading the emergency alert system to digital mode.

Appendix: 911 Legislation and Policy

This section provides further detail and documentation about 911 requirements enacted by Congress and related administrative activities.

Equality of Service and Access to 911

Many of the FCC's regulatory efforts have supported this principle by requiring that different providers of voice communications services be able to provide 911 facilities with basic information about a caller, specifically call-back number (Automatic Number Information, ANI) and location (Automatic Location Identification, ALI).⁹⁷

Equality of Access Devices. The 911 Act assured that wireless carriers would have similar obligations and protections in transmitting 911 calls as the wireline common carriers.⁹⁸ The NET 911 Improvement Act of 2008 extended these obligations and protections to include Voice Over Internet Protocol (VOIP).⁹⁹ The Federal Communications Commission (FCC) is responsible for promulgating and enforcing regulations to assure that cell phone and VOIP calls, as well as those from wireline phones, convey required information to the appropriate Public Safety Answering Point (PSAP). Providing position information that locates cell phone or VOIP callers in a manner comparable to wireline information is one of the challenges for parity among devices.

Another challenge is presented by connections to third-party service providers. For example, telematics systems installed in cars, such as OnStar; direct emergency calls automatically to a customer service operator who then places the call to 911, usually identifying the appropriate call center from a database. Video Relay Service for the hearing impaired is another example of an intermediary placing the call to a PSAP. Access to PSAP contact information for third-party service providers continues to be an issue of concern to companies that provide services that include contacting 911 for assistance. To address this concern, the National Emergency Number Association (NENA) maintains a registry of PSAP information that it makes available to validated call centers as well as PSAPs.¹⁰⁰ The NET 911 Improvement Act of 2008 specifically authorized, but did not require, the FCC to compile a list of contact information of public safety answering points and make the information

⁹⁷ Also discussed in earlier section, "The 911 Act and Federal Communications Commission Regulations."

⁹⁸ P.L. 106-81, Secs. 3, 4, and 5. 113 STAT. 1286 et seq.

⁹⁹ P.L. 110-283, Sec. 101, "Sec. 6 "(a) and "(b) and Sec. 201; 122 STAT. 2620 and 122 STAT. 2624.

¹⁰⁰ North American 9-1-1 Resources Database, information at [<http://www.nena.org/pages/ContentList.asp?CTID=40>]. Viewed September 8, 2008.

available where releasing it would benefit public safety.¹⁰¹ The NET 911 Improvement Act of 2008 also extended parity of protection to duly authorized emergency communications service providers that voluntarily offer these services.¹⁰²

Equality of Coverage. The location of a caller often determines the level of response from a PSAP. The likelihood of a 911 call being completed with accurate information depends on two essential components: the capacity of the network and systems to capture and deliver the needed information and the capability of the PSAP to receive it. Providing location information in rural areas, for example, can be difficult for wireless carriers, partly because of inadequate infrastructure.¹⁰³ Reflecting concerns that some carriers would stop serving remote areas rather than invest in improving location identification capabilities, the ENHANCE 911 Act of 2004 directed the FCC to grant waivers to Tier III wireless carriers¹⁰⁴ in situations where strict enforcement would decrease access to emergency services.¹⁰⁵

The ENHANCE 911 Act of 2004 also required the FCC to study the situation of Tier III wireless carriers regarding the waiver process and to provide information on effective technologies for implementing Phase II of W-E911.¹⁰⁶ The FCC submitted a detailed report in April 2005 but made no recommendations regarding technology.¹⁰⁷

Improving Location Information. In addition to problems in rural areas, noted above, high-density urban areas also have location problems, such as when a 911 call is made from inside a high-rise building. Even if wireless E-911 is in place at the appropriate PSAP, location identification can provide a street address but not a floor level. Location information is readily available for wireline phone subscribers, as most telephone service providers have identifiable addresses stored in their databases. (Many rural areas have invested in converting generic rural

¹⁰¹ P.L. 110-283, Sec. 101, “Sec. 6 “(g); 122 STAT. 2622.

¹⁰² P.L. 110-283, Sec. 201 (b) “(9) “(B); 122 STAT. 2625.

¹⁰³ Problems have included the switch from analog to digital technology for cellular services (digital technology provides significantly better location-finding capability but analog transmissions have a wider reach), the difficulty of installing a sufficient number of cell towers to provide “triangulation” for location technologies; and the predominance of cell towers placed along major highways (sometimes referred to as a “string of pearls”), also a complication for proper triangulation.

¹⁰⁴ For enforcement purposes, the FCC divided wireless carriers into three tiers: Tier III (small); Tier II (mid-sized); and Tier I (the largest carriers — Verizon, Cingular, T-Mobile, and Sprint Nextel).

¹⁰⁵ P.L. 108-494, Section 107 (a); 118 STAT. 3991.

¹⁰⁶ P.L. 108-494, Section 106; 118 STAT. 3390.

¹⁰⁷ Amended report submitted April 1, 2005. The FCC concluded that technologies currently in use were all suitable and that the choice depended on a variety of factors. “FCC Amended Report to Congress on the Deployment of E9-1-1 Phase II Services by Tier III Service Providers” at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-257964A1.pdf].

addresses, such as rural routes or post office boxes, into house-specific coordinates for 911 location information.)

The Association of Public-Safety Communications Officials International, Inc. (APCO) conducted an independent test of the accuracy of location information received by PSAPs that indicated many failings in the provision of location information from wireless calls.¹⁰⁸ Partially in response to the APCO study, the FCC opened a new proceeding and in November 2007 proposed rules for carriers to provide more accurate location information to PSAPs.¹⁰⁹ Verizon, AT&T, and other carriers and industry groups questioned whether the FCC's ruling was technically feasible and recommended a 911 working group to develop and agree upon standards for location accuracy and other features of 911.¹¹⁰ The FCC withdrew the contested rules and in September 2008 sought comments on new service rules for location accuracy.¹¹¹

The NET 911 Improvement Act of 2008 directed the FCC to work with PSAPs, the industry, and the E-911 Implementation Coordination Office to improve standards and best practices for a number of goals related to location identification. The NET 911 Improvement Act of 2008 also requires that the National Plan identify location technologies for nomadic devices and for office buildings and multi-dwelling units.¹¹²

Improving PSAP Capabilities. To meet anticipated new requirements for location information at the PSAP level, wireless carriers will need to improve the technology they use. PSAPs must also invest in technology in order to receive more detailed information. Guidance and assistance for these tasks are provided primarily at the state and local level. NENA and APCO are active in providing frameworks for

¹⁰⁸ “APCO Wireless Accuracy Testing Discovers Critical Information to the 9-1-1 Caller,” [http://www.apcointl.org/news/2006/20060822APCOWirelessAccuracyTestDiscovery.html] Press release, August 22, 2006. The final report on findings was released in April 2007, [http://www.locatemodelcities.org/documents/LOCATE_Final_Report.pdf].

¹⁰⁹ FCC News, “FCC Clarifies Geographic Area Over Which Wireless Carriers Must Meet Enhanced 911 Location Accuracy Requirements,” September 11, 2007. FCC, *Report and Order*, adopted September 11, 2007, released November 20, 2007, CC Docket No. 94-102; [http://hraunfoss.fcc.gov/edocs_public/Query.do?mode=advance&rpt=full] for all document links.

¹¹⁰ See comments at FCC Electronic Comment Filing System from, for example, CTIA, AT&T (various divisions), Verizon Wireless, Inc., and Sprint Nextel Corporation. Docket No. 07-114. This letter filed by CTIA on September 6, 2007 is one example: [http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519722596].

¹¹¹ FCC Public Notice, “Comment Sought on Proposals Regarding Service Rules for Wireless Enhanced 911 Phase II Location Information and Accuracy,” September 22, 2008, DA 08-2129, Docket No. 07-114.

¹¹² P.L. 110-283, Sec. 102, (3) “(d) “(2) “(D); 122 STAT. 2623.

decision-making and technical reports.¹¹³ The Seventh National Reliability and Interoperability Council (NRIC), a federal advisory committee to the FCC, provided best practices and other analyses for PSAPs to improve 911 operations.¹¹⁴ It also urged the development of a common platform that would link 911 to an interoperable communications network based on Internet technologies.¹¹⁵ The FCC's February 2008 summit for 911 circulated a list of best practices for PSAPs.¹¹⁶ To address PSAP needs, the National Plan required by the NET 911 Improvement Act of 2008 must contain "specific mechanisms for ensuring the IP-enabled emergency network is available in every community...."¹¹⁷

Equality for the Disabled. The NET 911 Improvement Act of 2008 has required the National Plan to identify solutions for providing 911 and access to those with disabilities.¹¹⁸ The FCC currently enforces Title IV of the Americans with Disabilities Act (P.L. 101-336) for access to telecommunications services.¹¹⁹ Requirements for wireless carriers to accommodate TTY calls to 911 have been part of the FCC regulations since rules were first promulgated in 1996.¹²⁰ The FCC is endeavoring to improve 911 support provided through Internet-based forms of the Telecommunications Relay Service that allow persons with hearing and speech disabilities to communicate with hearing users of telephone services.¹²¹

Legislation proposed in the 110th Congress by Representative Edward J. Markey would, among other provisions, "ensure equal access to emergency services by

¹¹³ NENA: information on courses, standards documents, and other resources for 9-1-1 Professionals at [<http://www.nena.org/>]; APCO: Communications Center and 9-1-1 Services at [<http://www.apcointl.org/new/commcenter911/>]. Both viewed September 8, 2008.

¹¹⁴ NRIC VII, Focus Group I, "Enhanced 911," subcommittee reports published in 2004-2005, at [<http://nric.org/fg/index.html>]. Viewed September 8, 2008.

¹¹⁵ NRIC VII, Focus Group 1D, "Communications Issues for Emergency Communications Beyond 911; Report #1 — Properties and network architectures that communications between PSAPs and emergency services personnel must meet in the near future." December 6, 2004, pp. 12, 26-27, at [http://nric.org/meetings/docs/meeting_20041206/FG1D%20Final%20Report.pdf].

¹¹⁶ 911 Call Center Operations and Next Generation Technologies Summit, February 6, 2008; recommendations at [<http://www.fcc.gov/pshs/summits/911/improving911callcenterops2.html>]. Viewed September 15, 2008.

¹¹⁷ P.L. 110-283, Sec. 102, (3) "(d) (2) (C); 122 STAT. 2623.

¹¹⁸ P.L. 110-283, Sec. 102 (3) "(d) (2) (I); 122 STAT. 2624.

¹¹⁹ More information at [<http://www.fcc.gov/cgb/dro/>].

¹²⁰ TTY refers to a text telephone; another common term is TDD, for Telecommunications Device for the Deaf.

¹²¹ FCC, *Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 05-196, adopted June 11, 2008. At [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-08-151A1.pdf].

individuals with disabilities” by requiring the provision of “seamless” real-time text communications.¹²²

Mechanisms to Improve Funding for PSAPs

The ENHANCE 911 Act of 2004 provided a mechanism for funding 911 with a program of matching grants.¹²³ Authorizations of up to \$250 million annually for program activities and grants were established for fiscal years 2005 through 2009, with authority for authorizations set to expire on October 1, 2009. Despite the authorization, no appropriations were made, although some funding was provided through the Digital Transition and Public Safety Fund, created by the Deficit Reduction Act of 2005 (P.L. 109-171). The NTIA is responsible for administering distributions from the fund, as designated by Congress in the act. Up to \$43.5 million was designated specifically for 911, payable from the proceeds of spectrum auctions that took place in early 2008.¹²⁴ The Implementing Recommendations of the 9/11 Commission Act of 2007 authorized the National Telecommunications and Information Administration (NTIA) to borrow against the \$43.5 million from spectrum auction proceeds¹²⁵ and included an amendment that favors Public Safety Answering Points not capable of receiving 911 calls.¹²⁶ There are 91 counties in the United States where emergency calls are handled without the benefit of any 911 technology.¹²⁷ The NET 911 Improvement Act of 2008 further amended the guidelines for grant eligibility by adding “migration to an IP-enabled emergency network” as a qualifying program for grant funds.¹²⁸ The NTIA, working with the National Highway Traffic Safety Administration (NHTSA), has issued proposed rules for the grant process. The program will be administered by the NHTSA.¹²⁹ The funds will be awarded in FY2009.¹³⁰

In addition to establishing a grants program to help PSAPs install 911 systems, the ENHANCE 911 Act of 2004 provided a mechanism to penalize states and other jurisdictions that diverted fees collected for 911 to other purposes.¹³¹ This provision was in response to reports of abuses documented by CTIA - The Wireless

¹²² Twenty-first Century Communications and Video Accessibility Act of 2008, H.R. 6320, Sec. 106.

¹²³ P.L. 108-494, Sec. 104, “Sec. 158 “(b); 118 STAT. 3987.

¹²⁴ P.L. 109-171, Sec. 3011; 120 STAT. 27

¹²⁵ P.L. 110-53, Sec. 2302; 121 STAT. 543.

¹²⁶ P.L. 110-53, Sec. 2303; 121 STAT. 543.

¹²⁷ Provided by NENA, telephone discussion with Patrick Halley on October 21, 2008.

¹²⁸ P.L. 110-283, Sec. 102 (1); 122 STAT. 2623.

¹²⁹ Published in the Federal Register October 3, 2008, link at [http://www.ntia.doc.gov/frnotices/2008/FR_E911grants_081003.pdf].

¹³⁰ U.S. Department of Commerce News, “NHTSA and NTIA Unveil Grant program to help States Upgrade 9-1-1 Services,” October 3, 2008 at [http://www.ntia.doc.gov/press/2008/E911grants_081003.pdf]. October 3, 2008.

¹³¹ P.L. 108-494, Sec. 104, “Sec. 158 “(c); 118 STAT. 3988.

Association in 2003;¹³² later abuses have also been documented.¹³³ To discourage this practice, the ENHANCE 911 Act of 2004 structured its matching grants program to refuse federal grants to jurisdictions where funds collected for 911 were used for other purposes.¹³⁴ As required in the act,¹³⁵ the Government Accountability Office prepared a report about state and local 911 systems that included an analysis of surcharges and their uses.¹³⁶

The NET 911 Improvement Act of 2008 established an annual requirement for the FCC to prepare a survey of the collection and disbursement of fees collected for 911 and by states and political subdivisions and to report if fees are diverted.¹³⁷ The purpose of the reporting requirement is to “ensure efficiency, transparency, and accountability.” The act also specifically allows states to collect a fee on VOIP services with the proviso that the fees must be used for 911 or E-911.¹³⁸

Federal Funding for 911 in Rural Areas. The Food, Conservation, and Energy Act of 2008 (P.L. 110-234), referred to as the 2008 Farm Bill, included language that can provide loans to improve 911 and other emergency communications capabilities in rural areas. The provision amends the Rural Electrification Act lending authority to include

“facilities and equipment to expand or improve in rural areas —

“(1) 911 access;

“(2) integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services;

“(3) homeland security communications;

“(4) transportation safety communications; or

“(5) location technologies used outside an urbanized area.”¹³⁹

¹³² The CTIA maintains a database of expenditures from 911 and E-911 funds, available upon request through CRS.

¹³³ For example, as reported in *Health of the US 9-1-1 System*, page 67. See also “How the State Abused Your Monthly Cell Phone Tax,” September 21, 2008, Central New York News, [syracuse.com](http://www.syracuse.com/news/index.ssf/2008/09/the_cell_phone_bill_says.html) at “Mechanisms to Improve Funding for PSAPs,” at [http://www.syracuse.com/news/index.ssf/2008/09/the_cell_phone_bill_says.html]. Viewed October 3, 2008.

¹³⁴ P.L. 108-494, Sec. 104 “Sec. 158; 118 STAT. 3987-3990.

¹³⁵ P.L. 108-494, Sec. 105; 118 STAT. 3990.

¹³⁶ GAO, *States’ Collection and Use of Funds for Wireless Enhanced 911 Services*, March 2006, GAO-06-338. A second report carried further documentation, *Summary of State Wireless E911 Funds*, March 2006, GAO-06-400SP.

¹³⁷ P.L. 110-283, Sec. 101, “Sec. 6, “(f), “(2); 122 STAT. 2622.

¹³⁸ P.L. 110-283, Sec. 101, “Sec. 6, “(f), “(1); 122 STAT. 2622.

¹³⁹ P.L. 110-234, Sec. 6107 “Sec. 315 “(a); 122 STAT. 1198.

The bill allows government-collected fees such as state and local fees for 911 to be used as surety against loans.¹⁴⁰ It also permits loans to companies that will provide communications equipment, if local governments with jurisdiction are not allowed to acquire the debt.¹⁴¹

Funding for 911 by States and Communities. A large share of the costs for implementing 911 services is covered by the telecommunications industry and by state and/or local taxes or surcharges assessed on wireline and wireless telephone bills.¹⁴² Most states have some form of 911 or E-911 fund that receives revenue from telephone bill surcharges and distributes it to various jurisdictions; some states also compensate telephone companies for 911-related expenses. Another source of funding, at the local or county level, is an increase in property taxes with the additional monies going to PSAPs. Call center operators also hold fund-raisers like fish fries and bake sales.

Federal Leadership in Improving 911 Capabilities

Language in support of a leadership role by a federal agency to guide 911 policy appears in each of the major bills that Congress has passed. The ENHANCE 911 Act of 2004, for example, stated

Enhanced 911 is a high national priority, and it requires Federal leadership, working in cooperation with state and local governments and with the numerous organizations dedicated to delivering emergency communications services.¹⁴³

The ENHANCE 911 Act of 2004 recognized the role of the U.S. Department of Transportation (DOT) in providing sustained support of 911 by making it a co-administrator of the E-911 Implementation Coordination Office (ICO). The FCC has also played a visible role in supporting 911, much of it through regulation.

The Role of the FCC. Charged in the 911 Act of 1999 to take positive steps to address the implementation of 911 services, the FCC has primarily played the role of regulator of wireless communications service providers, promulgating and enforcing regulations to provide ANI/ALI information. Beginning in 2003, the FCC has held occasional public forums to discuss 911 deployment and possible actions.¹⁴⁴

After the establishment of the Public Safety and Homeland Security Bureau in 2006, the FCC took action on another requirement of the 911 Act: to “encourage each

¹⁴⁰ P.L. 110-234, Sec. 6107 “Sec. 315 “(b); 122 STAT. 1198.

¹⁴¹ P.L. 110-234, Sec. 6107 “Sec. 315 “(c); 122 STAT. 1198.

¹⁴² A summary of surcharges is at [http://www.nena.org/media/files/9-1-1UserFees4_1.pdf]. Viewed November 21, 2008.

¹⁴³ P.L. 108-494, Sec. 102 (4) 118 STAT. 3986.

¹⁴⁴ Agenda for the first meeting of the Wireless E911 Coordination Initiative, April 23, 2003 at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-1172A1.pdf]. Subsequent public meetings were held on October 29-30, 2003; February 12, 2004; April 27-28, 2004; November 15, 2006 (on access for the disabled); and February 6, 2008.

State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans.”¹⁴⁵ It has contacted each state governor and requested information about points of contact for emergency communications. As these are provided, the FCC posts them on a website established for that purpose.¹⁴⁶

The 2007 appropriations bill for the Department of Homeland Security included a requirement that the FCC submit a report to Congress on the capacity, nationwide, for rerouting 911 calls when call centers are disabled by disaster. The law specified that the report would cover the “status of efforts of State, local, and tribal governments to develop plans for rerouting 911 and E911 services in the event that public safety answering points are disabled during natural disasters, acts of terrorism, and other man-made disasters.”¹⁴⁷

In the required report, the FCC focused on administrative mechanisms not system capacities, indicating that most states had some form of backup plan. The report did not explore the limitations of existing technology nor consider possible changes to improve backup capacity. The report was submitted to Congress in September 2007 but has not been made public.

The Role of the E-911 Implementation Coordination Office. The keystone of the ENHANCE 911 Act of 2004 was the mandate to establish a program “to facilitate coordination and communications between Federal, State, and local emergency communications systems, emergency communications personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E-911 services.”¹⁴⁸ The act designated the director of the National Telecommunications and Information Administration (NTIA) and the Administrator of the National Highway Traffic Safety Administration (NHTSA) to direct the program as co-administrators of an E-911 Implementation Coordination Office. The two offices were to develop a management plan to be submitted to Congress.¹⁴⁹ Once the office was established, the co-administrators were required to report to Congress annually on activities “to improve coordination and communication with respect to the implementation of E-911 services.”¹⁵⁰ Absent funding from specifically-designated appropriations, the program as required by Congress was not established at the time. NHTSA, in conjunction with DOT’s Intelligent Transportation Systems program, moved forward with the Next Generation 911 Initiative. Once funding became available as part of the Deficit Reduction Act, the NTIA moved to sign a memorandum with DOT and prepare regulations for the grants programs for public comment. The NTIA has

¹⁴⁵ P.L. 106-81, Sec. 3 (b); 113 STAT. 3.

¹⁴⁶ At [<http://www.fcc.gov/pshs/services/911-services/state.html>]. Viewed August 11, 2008.

¹⁴⁷ P.L.109-295, Sec. 674; 120 STAT. 144.

¹⁴⁸ P.L. 108-494, Sec. 104, “Sec. 158, “(a) “(1) “(A); 118 STAT. 3987.

¹⁴⁹ P.L. 108-494, Sec. 104, “Sec. 158, “(a) “(2);118 STAT. 3987.

¹⁵⁰ P.L. 108-494, Sec. 104, “Sec. 158, “(a) “(4);118 STAT. 3987.

stated that it expects the grants program activities will be concluded before the authorization for ICO expires in 2009.¹⁵¹ The NET 911 Improvement Act of 2008 gave ICO the new responsibility of creating a National Plan for the migration to IP-enabled emergency communications network to support 911 and other citizen-activated calls.

Transition to IP-Enabled 911 Systems: The NET 911 Improvement Act of 2008

The NET 911 Improvement Act of 2008 has required that ICO “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 and improving information-sharing among all emergency response entities.”¹⁵² The plan is to be delivered no more than 270 days after enactment of the bill,¹⁵³ which would suggest a late-April 2009 deadline. The plan is to be developed in consultation with a broad range of representatives for public safety, person with disabilities, equipment and service providers and others.¹⁵⁴ Although citizen-activated calls is a broader category than 911, including, for example, calls placed to 211 for assistance after a major disaster, the ICO could limit the scope of the National Plan to 911 calls, since that is the focus of its Congressional mandate. A number of requirements for the plan have been referenced in the preceding sections. They are recapped below, organized by the policy goal that each provision would support.

Equality

- Provide mechanisms to ensure that the IP-enabled emergency network is available in every community and is coordinated at the local, state, and regional level.¹⁵⁵
- Identify location technology for nomadic devices and for office buildings and multi-unit dwellings.¹⁵⁶
- Identify solutions for those with disabilities, steps to be taken, and a timeline for action.¹⁵⁷

¹⁵¹ Update on program activities provided in a telephone discussion with Kathy Smith, Chief Counsel for the NTIA, June 26, 2008.

¹⁵² P.L. 110-283, Sec. 102, (3) “(d) “(1); 122 STAT. 2623.

¹⁵³ *Ibid.*

¹⁵⁴ P.L. 110-283, Sec. 102, (3) “(d) “(3); 122 STAT.2624.

¹⁵⁵ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(C); 122 STAT. 2623.

¹⁵⁶ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(D); 122 STAT. 2623.

¹⁵⁷ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(I); 122 STAT. 2624.

- Analyze efforts to provide automatic location information and provide recommendations for necessary regulatory or legislative changes.¹⁵⁸

Funding

- Identify barriers that must be overcome and funding mechanisms to address barriers.¹⁵⁹

Transition to IP-Enabled Networks

- Outline the potential benefits of migrating to a national IP-enabled emergency network for citizen-activated calls.¹⁶⁰
- Include a proposed timetable, an outline of costs, and potential savings for the transition to IP technologies.¹⁶¹
- Provide specific legislative language, if necessary, for achieving the plan.¹⁶²
- Provide recommendations on any legislative changes, including updating definitions, necessary to facilitate a national IP-enabled network.¹⁶³
- Assess, collect, and analyze information from trial deployments of IP-enabled emergency networks.¹⁶⁴

Leadership

Although there are several requests for recommendations for legislation, if necessary, there is no language in the NET 911 Improvement Act of 2008 to indicate what entity, federal or otherwise, will have the responsibility of responding to Congress after the National Plan is submitted.

¹⁵⁸ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(J); 122 STAT. 2624.

¹⁵⁹ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(B); 122 STAT. 2623.

¹⁶⁰ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(A); 122 STAT. 2623.

¹⁶¹ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(E); 122 STAT. 2623.

¹⁶² P.L. 110-283, Sec. 102, (3) “(d) “(2) “(F); 122 STAT. 2623.

¹⁶³ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(G); 122 STAT. 2623.

¹⁶⁴ P.L. 110-283, Sec. 102, (3) “(d) “(2) “(H); 122 STAT. 2623.