

## **[FEDERAL ACTIVITY:] House, Senate VoIP '911' Bills Expected to Be Reconciled**

Differences between voice-over-Internet-protocol (VoIP) "911" legislation passed by the House and Senate are expected to be worked out easily in a conference committee, congressional aides said at a March 3 conference sponsored by the National Emergency Number Association. Several speakers at the event said the bills contain an important provision to map a path for next-generation 911 systems.

"The differences between our bills and the House bill are small," said **Jessica Rosenworcel**, senior majority counsel for the Senate Commerce, Science, and Transportation Committee. "This is a very bipartisan issue, which is unusual given an election year," said **Mark Seifert**, majority counsel to the House Energy and Commerce Committee. "I think you'll see some movement very soon."

On Feb. 26, the Senate passed its bill (S 428), the IP-Enabled Voice Communications and Public Safety Act of 2007, while the House passed its measure (HR 3403), the 911 Modernization and Public Safety Act of 2007, last November.

The legislation was cited by NENA leaders and other speakers at the 911 event as a major victory for the public safety community because it, among other things, requires VoIP providers to provide all customers with 911 service, ensures providers have access to 911 network facilities, and provides carriers liability protection.

"I can't say how huge this was," NENA President **Jason Barbour** said, noting it was one of his group's top legislative priorities last year. In a speech on the state of 911, Mr. Barbour also noted legislation that was signed into law last year enacting unfulfilled recommendations of the 9/11 Commission that clarified that homeland security grants can be used to support public safety answering points (PSAPs). "In short, we've had a pretty good year on Capitol Hill," he added.

### **More 911 Grant Funds Needed**

But he and other NENA officials noted that they have a lot of work to do on another legislative priority - convincing Congress to allocate additional funds for enhanced 911 (E911) grants. In the ENHANCE 911 Act of 2004, Congress authorized \$1.25 billion for such grants over five years, but only \$43.5 million has been allocated.

"Maybe that was a little bit ambitious," **Patrick Halley**, NENA's government affairs director, said of the authorization. He asked the Hill panel whether his group has failed to make the case for additional allocations. "NENA has not failed," replied **Gregory Rohde**, executive director of the E911 Institute. He said when the E911 Act passed, wireless E911 was the "driving issue." Now, it's much broader in an IP age, he said. He noted that the E911 Act must be reauthorized next year and urged the public safety community to make a concise case for funding of next-generation networks. "This community has to define what its needs are," he said. "We have to come up with a rational price tag."

Mr. Rohde and Ms. Rosenworcel noted that the VoIP 911 legislation requires a federal E911 coordination office created by the ENHANCE 911 Act to draft a plan for migrating to a national IP-based emergency network. Ms. Rosenworcel said that plan can help inform Congress as it considers reauthorization of the E911 Act.

On another issue, the congressional aides also said they expect Congress to reject the Bush administration's proposal to slash funding for homeland security grants in fiscal year 2009, which starts Oct. 1. The administration has proposed cutting spending to \$2.2 billion, from the \$4.1 billion allocated in FY 2008. The administration is proposing no funding for a new Interoperable Emergency Communications Grant Program.

"Everybody thinks that the cuts were drastic and harmful," Mr. Seifert said. **Todd Stein**, majority counsel on the Senate Homeland Security and Governmental Affairs Committee, said Congress was likely to restore funding, including at least \$50 million for interoperability grants - the same level as this year.

Messrs. Seifert and Stein also said the Department of Homeland Security was late in producing a national emergency communications plan. But they had positive words for the new leadership of DHS' Office of Emergency Communications. Still, the future is uncertain. "We continue to have concerns about DHS," Mr. Seifert said. "We are going to be watching closely."

In a morning keynote speech, **Derek Poarch**, chief of the FCC's Public Safety and Homeland Security Bureau, defended the agency's new E911 location-accuracy rules, which require carriers to reach PSAP-level accuracy by 2012. Carriers must reach economic area compliance by this September and metropolitan statistical area and rural service area compliance by 2010. "Carriers are being provided sufficient time to ensure compliance," Mr. Poarch said.

He also said the FCC would address any issues that arise as the mandates come due. The wireless industry is asking the U.S. Court of Appeals in Washington to stay implementation of the rules pending judicial review (see separate story).

The FCC's location-accuracy rules also came up during a panel of other FCC representatives. **Renee Crittendon**, wireless legal adviser to Commissioner Jonathan S. Adelstein, cited her boss' objection to bifurcating the proceeding and adopting benchmarks in an order adopted last September while the record was still open in the second part of the proceeding. He thinks the FCC should have proceeded more cautiously before acting, first obtaining reports on testing being done by the FCC's lab and holding hearings, she said. She also stressed the importance of industry and public safety reaching "a consensus on what recommendations are important."

**Bruce Gottlieb**, wireless legal adviser to Commissioner Michael J. Copps, said the FCC must get the results of the lab testing on improving in-building location accuracy and the use of hybrid technologies before reaching policy conclusions.

The Commissioners have tentatively concluded that they should adopt a single, technology-neutral wireless E911 location-accuracy mandate, replacing the current network- and handset-based requirements. **Erika Olsen**, deputy chief of the Public Safety Bureau, said the agency is

reviewing the record but gave no time estimate for when it would act in the second part of the proceeding.

Also at the conference, **Laurie Flaherty**, policy analyst in the Office of Emergency Medical Services at the National Highway Traffic Safety Administration, which is overseeing the federal E911 coordination office with the National Telecommunications and Information Administration, said the office plans to issue a notice of proposed rulemaking to seek comments on rules it should adopt for the \$43.5 million in E911 grants, adding that the final regulations should probably be adopted in about a year. She also outlined other efforts the office hopes to undertake, including developing a model state 911 plan and serving as a clearinghouse. She acknowledged, however, that the office is currently being run by six to eight people from NHTSA and NTIA who have other responsibilities. "We're hoping that will change over time," she added.

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