



September 12, 2018

TO: Members, Subcommittee on Communications and Technology

FROM: Committee Majority Staff

RE: Hearing entitled “Solutions to Strengthen U.S. Public Safety Communications.”

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## **I. INTRODUCTION**

The Subcommittee on Communications and Technology will hold a hearing on Friday, September 14, 2018, at 9:00 a.m. in 2123 Rayburn House Office Building. The hearing is entitled “Solutions to Strengthen U.S. Public Safety Communications.”

## **II. WITNESSES**

- James Curry, Communications Division Head, Hunterdon County, New Jersey Department of Public Safety; and,
- Paul Starks, Director, Public Information Office, Montgomery County, Maryland Police Department.

## **III. BACKGROUND AND SUMMARY OF LEGISLATION**

Public safety communications play an integral part in keeping communities safe. Like some forms of public safety communications that encompass technologies among public safety officials, public safety communications between public safety officials and the general public require user awareness, reliability, and interoperability. The three bills being discussed at this hearing all focus on strengthening communications tools used by the public to communicate with public safety officials.

### **A. H.R. 6424, 9-1-1 Fee Integrity Act**

H.R. 6424, the 9-1-1 Fee Integrity Act, was originally co-sponsored by Rep. Leonard Lance (R-NJ) and was introduced on July 18, 2018. In 2008, the Committee enacted the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act),<sup>1</sup> which directed the Federal Communications Commission (FCC) to submit a report to Congress on state collection and distribution of 9-1-1 and enhanced 9-1-1 fees and charges.<sup>2</sup> Recently, the Committee sent a letter to the FCC as a part of its ongoing oversight of this issue to examine potential solutions to

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<sup>1</sup> Pub. L. No. 110-283 (2008)

<sup>2</sup> 47 U.S.C. 615a-1(f)(2)

fee diversion.<sup>3</sup> Pursuant to the NET 911 Act, the FCC conducts a review every year on how states set their own 9-1-1 fees, which states diverted those fees for 9-1-1 purposes, and how much money was diverted in each of those states. The most recent of which reports on 9-1-1 fees diverted in calendar year 2016.<sup>4</sup>

The bill would direct the FCC to issue rules, within 6 months of enactment, that would designate acceptable uses of 9-1-1 fees collected from wireless, wireline, and interconnected VoIP subscribers. State, local, and Tribal governments that divert 9-1-1 funds often do so for other public-safety related purposes, which do not qualify as 9-1-1 expenditures. This bill would help give more direction as to what these funds should be used for when it comes to expanding or upgrading Public Safety Answering Points (PSAPs).

### **B. H.R. 5700, National Non-Emergency Mobile Number Act**

H.R. 5700, the National Non-Emergency Mobile Number Act, was introduced by Rep. Susan Brooks (R-IN) on May 8, 2018. Several states have short codes that mobile wireless users can dial to contact public safety in non-emergencies. These short codes are used to shift less urgent calls away from 9-1-1 systems to help with congestion and allow PSAPs to focus on more critical matters.

Currently, there are at least 18 of these non-emergency dialing codes in use across 29 states. Consumers driving from state to state may try to use a non-emergency dialing code that does not work, causing confusion. This bill would direct the FCC to facilitate the creation of a unified wireless non-emergency number to help consolidate the multiple numbers in use today, thereby reducing traveler confusion and improving response times. This bill does not intend to create a substitute for 9-1-1, nor mandate a state to adopt the new, unified number.

### **C. H.R. 6003, Anti-Swatting Act of 2018**

H.R. 6003, the Anti-Swatting Act of 2018, was introduced by Rep. Eliot Engel (D-NY) on June 5, 2018. “Swatting” is the use of fake caller ID information, also called “spoofing,” when calling emergency services in order to trigger a response from law enforcement, which current law prohibits.<sup>5</sup> The term originates from the fact that when a threat is reported, there are instances where a SWAT team arrived to deal with a suspected threat. When law enforcement responds to the emergency call, both itself and residents are put in danger. Moreover, misleading law enforcement to dispatch resources to fake incidents diverts resources away from real emergencies at additional cost to taxpayers.

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<sup>3</sup> Letter from Hons. Greg Walden, Gregg Harper, and Marsha Blackburn to Hon. Ajit Pai, Chairman, Federal Communications Commission, dated July 23, 2018. *See*, <https://energycommerce.house.gov/news/press-release/committee-seeks-update-on-9-1-1-fee-diversion/>

<sup>4</sup> 9<sup>th</sup> Annual 9-1-1 Fee Report, Federal Communications Commission, December 29, 2017. Available at: <https://www.fcc.gov/files/9thannual911feereportpdf>

<sup>5</sup> 47 U.S.C. 227(e)

The bill would stiffen criminal penalties against those who intentionally transmit false or misleading caller ID information to PSAPs with an intent to trigger an emergency response from law enforcement and first responders when in fact there is no threat to life, health, or property. The bill would also direct the court to order anyone convicted of the violation to reimburse law enforcement, government agencies, and any private organization that responds to a swatting call with emergency services for any expenses incurred.

This legislation was previously approved by the Committee on a voice vote in 2016.

#### **IV. STAFF CONTACTS**

If you have any questions regarding this hearing, please contact Robin Colwell or Tim Kurth of the Committee Staff at (202) 225-2927.