

Opening Statement of Vice Chairman Leonard Lance  
Subcommittee on Communications and Technology  
Hearing Entitled, "Solutions to Strengthen U.S. Public Safety Communications."  
September 26, 2018

*(As Prepared for Delivery)*

Since the inception of 9-1-1 as the nationwide emergency phone number in 1968, 9-1-1 call centers around the country have saved countless lives by giving the public a quick and easy way to request assistance in times of emergency. Technological advances over the years, such as geolocation, have opened up opportunities to improve upon the system, which allows law enforcement officers to receive the approximate location of where a call originated. In order to keep up with the times, many states have established a fee or tax to upgrade and maintain their 9-1-1 systems. These funds are especially crucial as we look to Next Gen 9-1-1 to update significantly the capabilities of our emergency communications. Innovations such as text to 9-1-1 and the ability for citizens to send law enforcement officers real time video during an emergency have the potential to revolutionize our emergency communications and save countless more lives.

Under the New and Emerging Technologies 911 Improvement Act of 2008, the Federal Communications Commission is required to submit a report to Congress on state collection and distribution of 9-1-1 and enhanced 9-1-1 fees and charges. These reports have shed light on a handful of states who have been raiding these 9-1-1 fees and diverting the funds for unrelated purposes. This unacceptable practice leaves counties and localities on the hook for maintaining and upgrading their systems, endangering public safety. Since 2004, New Jersey has collected a 90-cent tax on consumers' monthly telephone and cell phone bills for 9-1-1 improvements. However, New Jersey has become the worst 9-1-1 fee diverter in country, diverting over one billion dollars to non-9-1-1 related purposes. This is unacceptable.

Our constituents need to know that in an emergency their 9-1-1 call is going to go through. Lawmakers in Trenton, and in several other state capitals around the country, have raided the funds set aside to improve the 9-1-1 system and left the account penniless – leaving public safety threatened and local taxpayers on the hook. I opposed the original legislation in New Jersey, because it opened the door to the diversion we are seeing today. Now New Jersey lawmakers are considering an increase on the tax to fund Next Gen 911.

Instead of further taxing New Jerseyans, Trenton should first stop diverting the existing fees from their intended use.

I am very pleased to welcome Jim Curry on our panel today. Mr. Curry is the Division of Communications Director for Hunterdon County's Department of Public Safety and Health Services. Last month Mr. Curry and the rest of the staff at the 9-1-1 communications center were kind enough to give me and Commissioner Mike O'Rielly of the FCC, who has been a leader in the effort to stop states from diverting, a tour of their facility. The work they are doing there is truly remarkable and I was extremely impressed with the operation they are doing there. Despite receiving little to no funds from the state 9-1-1 fee fund, Hunterdon County has managed to maintain a state of the art communications center. However, because the state has been diverting the fees in such drastic amounts, counties in New Jersey, such as Hunterdon, are left to their own devices to fund these critical operations. These funds generally come from residents' property taxes, which are already some of the highest in the nation. This is completely unacceptable. New Jersey must end this double taxation of its citizens and stop leaving counties scrambling to fund essential emergency services.

That is why I have joined Congressman Collins and Congresswoman Eshoo in introducing the 9-1-1 Fee Integrity Act, which would direct the FCC to establish legitimate uses for 9-1-1 fees to be directed.

I commend Commissioner O'Rielly and Commissioner Rosenworcel for working hard at the FCC to bring to light the actions of these few bad actor states. However, the Commission's ability to combat diversion is limited. This bipartisan, common sense legislation will enable the FCC to ensure that bad actors such as New Jersey are no longer able to divert 9-1-1 funds to unrelated purposes and the fees are instead directed to their intended use: updating and maintaining our critical emergency communications systems.

We are also considering H.R. 5700, the National Non-Emergency Mobile Number Act from Congresswoman Brooks and H.R. 6003, the Anti-Swatting Act of 2018 from Congressman Engel.

H.R. 5700 directs the FCC to consolidate non-emergency numbers with the creation of a unified wireless non-emergency number. This will help avoid confusion as consumers cross state lines, as there are currently 18 different non-emergency codes in use.

H.R. 6003 stiffens criminal penalties against “swatting” a practice that involves maliciously calling emergency services to trigger a law enforcement response against another person. This is an extremely dangerous practice that puts both law enforcement and residents in danger.

I commend the members of the subcommittee for their fine work in drafting these important bills to improve our public safety communications and thank our distinguished panel for appearing before us today. I look forward to your testimony.