

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

MEMORANDUM

September 24, 2018

To: Subcommittee on Communications and Technology Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “Solutions to Strengthen U.S. Public Safety Communications”

On **Wednesday, September 26, 2018, at 10:30 a.m. in room 2322 of the Rayburn House Office Building**, the Subcommittee on Communications and Technology will hold a hearing titled, “Solutions to Strengthen U.S. Public Safety Communications.”

I. BACKGROUND AND LEGISLATION

A. H.R. 5700, National Non-Emergency Mobile Number Act

As part of the Communications Act, Congress designated 9-1-1 as the universal emergency telephone number within the United States.¹ In 1997, the Federal Communications Commission (FCC) assigned 3-1-1 on a nationwide basis for non-emergency police services as well as other governmental services at the discretion of local jurisdictions. Since then, numerous localities have implemented 3-1-1 service for a range of services such as graffiti removal and noise complaints.

Reps. Brooks (R-IN) and Eshoo (D-CA) introduced H.R. 5700, the National Non-Emergency Mobile Number Act on May 8, 2018. That bill would direct the FCC within 180 days of its enactment to designate a national short code number for mobile voice subscribers to dial in critical, but non-emergency circumstances. The National Non-Emergency Mobile Number Act would require the FCC to consult with State departments of transportation, mobile carriers, and representatives of the public safety community in developing a non-emergency

¹ 47 U.S.C. § 251(e)(3).

short code number. Under the bill, the FCC’s designation of a new non-emergency short code may not take effect for at least two years from enactment.

B. H.R. 6003, Anti-Swatting Act of 2018

The term “swatting” refers to the practice of making a hoax call to 9-1-1 with the aim of inducing a response from law enforcement—a Special Weapons And Tactics (SWAT) team in particular.² In recent years, swatting has become more common, particularly among the online gaming community. In particular, members of the online community will falsely call in a SWAT team against other players while they play each other online. Typically, swatters will use technology to “spoof” the caller ID information, so that the victim’s caller ID information is displayed when law enforcement receives the call.

Rep. Engel (D-NY) introduced H.R. 6003, the Anti-Swatting Act on June 5, 2018. The bill would modify the FCC’s rules prohibiting the falsification of caller identification (also known as spoofing) to provide for enhanced penalties when an individual uses spoofing in a swatting situation. H.R. 6003 would impose a criminal penalty of a fine and/or imprisonment of not more than five years for violations intended to trigger a law enforcement response in the absence of circumstances warranting such a response. Potential imprisonment for violating this provision could increase up to, but not more than 20 years where the emergency response results in serious bodily injury. Violators also would be required to reimburse law enforcement entities for their expenses in responding to the hoax.

The Anti-Swatting Act was first considered by the Committee in the 114th Congress. The Subcommittee on Communications and Technology voted to favorably forward the bill at its markup on April 18, 2016. The bill was then amended and favorably reported at the full Committee markup on April 26-27, 2016. The version of the Anti-Swatting Act introduced in the 115th Congress reflects the Committee-amended text favorably reported to the full House in the 114th Congress.

C. H.R. 6424, 9-1-1 Fee Integrity Act

Almost every State charges additional fees on consumers’ telephone bills to help support local and State government operated 9-1-1 call and dispatch centers.³ Some States, however, have chosen to divert a portion of the revenues from these fees to pay for non-9-1-1 related public safety programs.⁴ Congress required the FCC to issue an annual report to Congress

² Federal Bureau of Investigation, *The Crime of ‘Swatting’, Fake 9-1-1 Calls Have Real Consequences* (Sept. 3, 2013) (fbi.gov/news/stories/2013/september/the-crime-of-swatting-fake-9-1-1-calls-have-real-consequences).

³ Federal Communications Commission, *Ninth Annual Report To Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges*, at 3 (Dec. 29, 2017).

⁴ *See id.* at 43.

detailing these diversions in 2008.⁵ In calendar year 2016, approximately five percent of all 9-1-1 fees were diverted.⁶

Reps. Chris Collins (R-NY), Eshoo (D-CA), and Lance (R-NJ) introduced H.R. 6424, the 9-1-1 Fee Integrity Act on July 18, 2018. Within 180 days of its enactment, the bill requires the FCC to issue final rules, in consultation with public safety organizations and State, local, and Tribal governments, that clarify acceptable obligations or expenditures of State-collected 9-1-1 fees for purposes of the Wireless Communications and Public Safety Act of 1999. H.R. 6424, would not preempt State law, but would clarify what it means for a State to divert 9-1-1 fees in the Commission’s annual report to Congress, and limit the scope of a savings clause in the Wireless Communications and Public Safety Act of 1999.

II. WITNESSES

James Curry

Communications Division Head
Hunterdon County (NJ) Department of Public Safety

Eddie L. Reyes

Director of Public Safety Communications
Prince William (VA) County

⁵ *New and Emerging Technologies 911 Improvement Act of 2008*, Pub. L. No. 110-283, 122 Stat. 2620 (2008).

⁶ See note 3 at 43.