

shielding them from material that is harmful to them is a compelling governmental interest.

“(b) PURPOSES.—The purposes of this Act [see Short Title of 2002 Amendment note set out under section 901 of this title] are—

“(1) to facilitate the creation of a second-level domain within the United States country code Internet domain for the location of material that is suitable for minors and not harmful to minors; and

“(2) to ensure that the National Telecommunications and Information Administration oversees the creation of such a second-level domain and ensures the effective and efficient establishment and operation of the new domain.”

§ 942. Coordination of 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation

(a) 9-1-1 Implementation Coordination Office

(1) Establishment and continuation

The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9-1-1 services; and

(B) establish a 9-1-1 Implementation Coordination Office to implement the provisions of this section.

(2) Management plan

(A) Development

The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

- (i) plans related to the organizational structure of such program; and
- (ii) funding profiles for each fiscal year of the duration of such program.

(B) Submission to Congress

Not later than 90 days after February 22, 2012, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

- (i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and
- (ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

(3) Purpose of Office

The Office shall—

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(4) Reports

The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services.

(b) 9-1-1, E9-1-1, and Next Generation 9-1-1 implementation grants

(1) Matching grants

The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

(A) the implementation and operation of 9-1-1 services, E9-1-1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9-1-1 services and applications;

(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9-1-1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9-1-1 services.

(2) Matching requirement

The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

(3) Coordination required

In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

(A) in the case of an eligible entity that is a State government, the entity—

(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9-1-1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services or to manage emergency communications operations;

(iii) has established a plan for the coordination and implementation of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; and

(iv) has integrated telecommunications services involved in the implementation and delivery of 9-1-1 services, E9-1-1 services, and Next Generation 9-1-1 services; or

(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

(4) Criteria

Not later than 120 days after February 22, 2012, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section. The criteria shall include performance requirements and a timeline for completion of any project to be financed by a grant under this section. The Assistant Secretary and the Administrator shall update such regulations as necessary.

(c) Diversion of 9-1-1 charges

(1) Designated 9-1-1 charges

For the purposes of this subsection, the term “designated 9-1-1 charges” means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(2) Certification

Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated 9-1-1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

(3) Condition of grant

Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated 9-1-1 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services, all of the funds from such grant shall be returned to the Office.

(4) Penalty for providing false information

Any applicant that provides a certification under paragraph (2) knowing that the information provided in the certification was false shall—

(A) not be eligible to receive the grant under subsection (b);

(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

(C) not be eligible to receive any subsequent grants under subsection (b).

(d) Funding and termination

(1) In general

From the amounts made available to the Assistant Secretary and the Administrator under section 1457(b)(6) of this title, the Assistant Secretary and the Administrator are authorized to provide grants under this section through the end of fiscal year 2022. Not more than 5 percent of such amounts may be obligated or expended to cover the administrative costs of carrying out this section.

(2) Termination

Effective on October 1, 2022, the authority provided by this section terminates and this section shall have no effect.

(e) Definitions

In this section, the following definitions shall apply:

(1) 9-1-1 services

The term “9-1-1 services” includes both E9-1-1 services and Next Generation 9-1-1 services.

(2) E9-1-1 services

The term “E9-1-1 services” means both phase I and phase II enhanced 9-1-1 services, as described in section 20.18 of the Commission’s regulations (47 C.F.R. 20.18), as in effect on February 22, 2012, or as subsequently revised by the Commission.

(3) Eligible entity

(A) In general

The term “eligible entity” means a State or local government or a tribal organization (as defined in section 5304(l) of title 25).

(B) Instrumentalities

The term “eligible entity” includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to provide 9-1-1 services, E9-1-1 services, or Next Generation 9-1-1 services.

(C) Exception

The term “eligible entity” does not include any entity that has failed to submit the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

(4) Emergency call

The term “emergency call” refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

(A) through voice, text, or video and related data; and

(B) nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

(5) Next Generation 9-1-1 services

The term “Next Generation 9-1-1 services” means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(A) provides standardized interfaces from emergency call and message services to support emergency communications;

(B) processes all types of emergency calls, including voice, data, and multimedia information;

(C) acquires and integrates additional emergency call data useful to call routing and handling;

(D) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(E) supports data or video communications needs for coordinated incident response and management; and

(F) provides broadband service to public safety answering points or other first responder entities.

(6) Office

The term “Office” means the 9-1-1 Implementation Coordination Office.

(7) Public safety answering point

The term “public safety answering point” has the meaning given the term in section 222 of this title.

(8) State

The term “State” means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 102-538, title I, §158, as added Pub. L. 108-494, title I, §104, Dec. 23, 2004, 118 Stat. 3987; amended Pub. L. 110-53, title XXIII, §2303, Aug. 3, 2007, 121 Stat. 543; Pub. L. 110-283, title I, §102, July 23, 2008, 122 Stat. 2623; Pub. L. 112-96, title VI, §6503, Feb. 22, 2012, 126 Stat. 237.)

AMENDMENTS

2012—Pub. L. 112-96 amended section generally. Prior to amendment, section established a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E-911 services and created an E-911 Implementation Coordination Office.

2008—Subsec. (b)(1). Pub. L. 110-283, §102(1), inserted “and for migration to an IP-enabled emergency network” before period at end.

Subsecs. (d) to (f). Pub. L. 110-283, § 102(2), (3), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

2007—Subsec. (b)(4). Pub. L. 110-53 inserted at end “Within 180 days after August 3, 2007, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to allow a portion of the funds to be used to give priority to grants that are requested by public safety answering points that were not capable of receiving 911 calls as of August 3, 2007, for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants shall be subject to all other requirements of this section.”

FINDINGS

Pub. L. 108-494, title I, §102, Dec. 23, 2004, 118 Stat. 3986, provided that: “The Congress finds that—

“(1) for the sake of our Nation’s homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation;

“(2) enhanced emergency communications require Federal, State, and local government resources and coordination;

“(3) any funds that are collected from fees imposed on consumer bills for the purposes of funding 911 services or enhanced 911 should go only for the purposes for which the funds are collected; and

“(4) 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.”

PURPOSES

Pub. L. 108-494, title I, §103, Dec. 23, 2004, 118 Stat. 3986, provided that: “The purposes of this title [see section 101 of title I of Pub. L. 108-494, set out as a Short Title of 2004 Amendment note under section 901 of this title] are—

“(1) to coordinate 911 services and E-911 services, at the Federal, State, and local levels; and

“(2) to ensure that funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.”

CHAPTER 9—INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS

SUBCHAPTER I—INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS

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SUBCHAPTER I—INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS

§ 1001. Definitions

For purposes of this subchapter—

(1) The terms defined in section 2510 of title 18 have, respectively, the meanings stated in that section.

(2) The term “call-identifying information” means dialing or signaling information that identifies the origin, direction, destination, or termination of each communication generated or received by a subscriber by means of any equipment, facility, or service of a telecommunications carrier.