

Congress of the United States
Washington, DC 20515

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June 15, 2010

Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski,

We understand that the Federal Communications Commission currently is drafting its 2010 9-1-1 Fund Diversion Report pursuant to the NET 911 Improvement Act. As you are aware, we consider the diversion of funds to be a significant impediment to the improvement of 9-1-1 communications facilities and we support using available methods to discourage this practice.

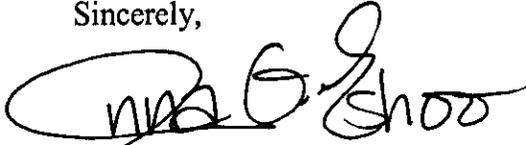
In March, the National Emergency Number Association (NENA) and 37 other emergency groups and associations sent a letter to Congress exposing past and present state efforts to divert funding from 911 services to other non-essential services. Although we were pleased that only one-fifth of the states engaged in diversions according to the 2009 report, we are concerned that available mechanisms for enforcement are not being utilized.

We believe that current statutory language provides you with the authority to regulate some of these activities. For example, the NET 911 Improvement Act makes clear that state and local governments have the authority to impose 911 fees on wireless and voice over-IP (VoIP) providers only if the fees are used for their intended purposes.

We ask you to explore any additional steps that the Commission can take within its existing jurisdiction to prevent diversions. For instance, since the FCC is tasked with enforcing "truth in billing" requirements on commercial licensees, could the Commission enforce a requirement that states be truthful about the fees they impose on consumers that are collected by carriers?

As you move toward completion of your report, we suggest that you explore your jurisdictional authority to encourage states to use 9-1-1 funds for their stated purpose and make recommendations concerning methods for furthering this goal.

Sincerely,



Anna G. Eshoo
Member of Congress



John Shimkus
Member of Congress



Amy Klobuchar
U.S. Senator



Richard Burr
U.S. Senator

CC: Commissioner Michael Copps
Commissioner Mignon Clyburn
Commissioner Robert McDowell
Commissioner Meredith Baker