

percent of all Federal dams are at least 50 years old and that 80 percent of them are at least 30 years old.

We know less about the status and capabilities of our levees. There has never been a national inventory of levees. Little is known about the current condition of both Federal and non-Federal levees, including whether these levees were designed to meet current conditions or whether they have been properly maintained by the non-Federal interest.

Over the decades, levees have been built by different entities, at different times, and to different standards. They have been linked together to provide a protective system, but with such a mixture of conditions, the true level of protection may be in doubt.

Over time, development has taken place behind some of these levees so much more may be at risk in terms of lives and economic resources.

There is so much that we do not know about the levees in America that we cannot be sure how safe our cities and towns really are. We need more information.

The Water Resources Development Act of 2007 included language establishing a panel to develop recommendations for a National Levee Safety Program. However, the Committee on Levee Safety is unable to meet since a drafting error contained in the Water Resources Development Act of 2007 inadvertently keeps the Army Corps of Engineers from carrying out important work.

H.R. 6040 strikes the incorrect language and replaces it with language stating the Committee on Levee Safety can develop its recommendations subject to the availability of appropriations.

This technical change will allow the Corps of Engineers to convene the Committee on Levee Safety as soon as this bill is enacted.

With the recommendations that will come from this Committee on Levee Safety, the Congress can develop a national policy for levee safety and a program to ensure that levees are functional and safe.

I urge all Members to support H.R. 6040.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6040, a bill to make a technical correction to a Water Resources and Development Act of 2007 provision authorizing the Secretary of the Army, acting through the U.S. Army Corps of Engineers, to establish a Committee on Levee Safety.

Title IX of the Water Resources Development Act of 2007 authorizes the Corps to establish a committee of Federal, State, local, tribal, and private sector experts on levee safety to develop recommendations for a national levee safety program.

As the events of the last few years have clearly demonstrated, there is a serious concern with the condition of the Nation's primary structural flood control measures—the Nation's system of levees. These structures, which range from the Federally constructed and maintained levees along the lower Mississippi

River and tributaries, to Federal, State, and local levees nationwide, protect our lives and livelihoods from the risks of flooding. Within the jurisdiction of the Corps of Engineers alone, there are between 12,000 to 13,000 miles of levees protecting everything from major metropolitan cities to towns and townships throughout the nation. Without a doubt, the health, safety, and security of countless lives depend on the resiliency and upkeep of these essential structures.

We have all witnessed the result of levee failure. Just 2 years ago, the flood walls surrounding three of the canals within the city of New Orleans failed, and the result was a major metropolitan city being underwater for days. Many of the communities impacted by this failure are still struggling today.

Just this past month, we watched as the rivers of the Upper Mississippi River and its tributaries overfilled their banks and resulted in the unfortunate loss of life, as well as thousands of families losing their homes, their cars, and their businesses to the raging waters of the Mississippi River.

Cognizant of the importance of the Nation's system of levees, the Committee on Transportation and Infrastructure included a provision within the Water Resources Development Act of 2007 to create a Committee on Levee Safety that would be tasked with developing recommendations for a national levee safety program.

The Secretary of the Army will establish the committee, and it will develop short-term recommendations to Congress for the creation of an effective and efficient National Levee Safety Program. The House and Senate conferees on the Water Resources Development Act of 2007 agreed on the importance of soliciting the recommendations of the Nation's leading experts in levee safety to aid in the drafting of a future National Levee Safety Program. The recommendations made by the committee on Levee Safety will be reported to the Committee on Transportation and Infrastructure.

It is my understanding that the Corps has been working toward the creation of this committee, including the identification of a broad array of experts in levee safety. Unfortunately, the Corps believes it has hit a roadblock due to the specific wording of the authorization language that has prevented the Corps from utilizing available funding to pay for the travel expenses of the committee members.

H.R. 6040 is a simple modification to the existing authorization language to ensure that the Corps can utilize already identified funding to pay these expenses so that the Committee on Levee Safety can formally be assembled and begin its important work.

I applaud my colleagues on the Committee on Transportation and Infrastructure, Ranking Member MICA, and the Ranking Member of the Subcommittee on Water Resources and Environment, Congressman BOOZMAN, for sponsoring this legislation. It is my hope that the other body can quickly move this legislation to the President's desk, so that the Committee on Levee Safety can begin its important work later this summer.

I urge my colleagues to support the bill.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back and ask for support for this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6040.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NEW AND EMERGING TECHNOLOGIES 911 IMPROVEMENT ACT OF 2008

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "New and Emerging Technologies 911 Improvement Act of 2008" or the "NET 911 Improvement Act of 2008".*

#### TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

##### SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

*The Wireless Communications and Public Safety Act of 1999 is amended—*

*(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;*

*(2) by inserting after section 5 the following new section:*

##### **"SEC. 6. DUTY TO PROVIDE 9-1-1 AND ENHANCED 9-1-1 SERVICE.**

*"(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.*

*"(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).*

*"(c) REGULATIONS.—The Commission—*

*"(1) within 90 days after the date of enactment of the New and Emerging Technologies 911*

Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

“(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

“(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

“(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

“(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 and enhanced 9-1-1 service and access; and

“(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

“(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

“(e) IMPLEMENTATION.—

“(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

“(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

“(f) STATE AUTHORITY OVER FEES.—

“(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

“(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of en-

actment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

“(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9-1-1 and enhanced 9-1-1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

“(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

“(1) defining geographic coverage areas for public safety answering points;

“(2) defining network diversity requirements for delivery of IP-enabled 9-1-1 and enhanced 9-1-1 calls;

“(3) call-handling in the event of call overflow or network outages;

“(4) public safety answering point certification and testing requirements;

“(5) validation procedures for inputting and updating location information in relevant databases; and

“(6) the format for delivering address information to public safety answering points.

“(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9-1-1 or enhanced 9-1-1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008.”; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

“(8) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given the term ‘interconnected VoIP service’ by section 9.3 of the Federal Communications Commission’s regulations (47 CFR 9.3).”.

#### SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: “and for migration to an IP-enabled emergency network”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

“(d) MIGRATION PLAN REQUIRED.—

“(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improv-

ing information sharing among all emergency response entities.

“(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

“(A) outline the potential benefits of such a migration;

“(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

“(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and statewide basis;

“(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

“(E) include a proposed timetable, an outline of costs, and potential savings;

“(F) provide specific legislative language, if necessary, for achieving the plan;

“(G) provide recommendations on any legislative changes, including updating definitions, that are necessary to facilitate a national IP-enabled emergency network;

“(H) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008;

“(I) identify solutions for providing 9-1-1 and enhanced 9-1-1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

“(J) analyze efforts to provide automatic location for enhanced 9-1-1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9-1-1 services.

“(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.”.

#### TITLE II—PARITY OF PROTECTION

##### SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking “**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**” in the section heading and inserting “**SERVICE PROVIDER PARITY OF PROTECTION.**”;

(2) in subsection (a)—

(A) by striking “wireless carrier,” and inserting “wireless carrier, IP-enabled voice service provider, or other emergency communications provider.”;

(B) by striking “its officers” the first place it appears and inserting “their officers”;

(C) by striking “emergency calls or emergency services” and inserting “emergency calls, emergency services, or other emergency communications services”;

(3) in subsection (b)—

(A) by striking “using wireless 9-1-1 service shall” and inserting “using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall”; and

(B) by striking “that is not wireless” and inserting “that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service”; and

(4) in subsection (c)—

(A) by striking “wireless 9-1-1 communications, a PSAP” and inserting “9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP”; and

(B) by striking “that are not wireless” and inserting “that are not via wireless 9-1-1 service,

IP-enabled voice service, or other emergency communications service”.

(b) **DEFINITION.**—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

“(8) **OTHER EMERGENCY COMMUNICATIONS SERVICE.**—The term ‘other emergency communications service’ means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.

“(9) **OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.**—The term ‘other emergency communications service provider’ means—

“(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 to provide other emergency communications services; or

“(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9-1-1 service governing authority to provide other emergency communications services.

“(10) **ENHANCED 9-1-1 SERVICE.**—The term ‘enhanced 9-1-1 service’ means the delivery of 9-1-1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission’s regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9-1-1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.”.

### **TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES**

#### **SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.**

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting “or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “section 332(d))” each place it appears in subsections (d)(4) and (f)(1);

(2) by striking “WIRELESS” in the heading of subsection (f); and

(3) in subsection (g), by inserting “or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))” after “telephone exchange service”.

Mr. GORDON of Tennessee (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MOTION OFFERED BY MR. GORDON OF TENNESSEE

Mr. GORDON of Tennessee. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gordon of Tennessee moves that the House concur in the Senate amendment to H.R. 3403.

Mr. DINGELL. Madam Speaker, I rise in support of H.R. 3403, the “New and Emerging Technologies 911 Improvement Act of 2008”.

This legislation ensures that consumers using Voice over Internet Protocol technology, or VoIP, can make full use of the 911 system in two important ways. First, the legislation extends the same liability protections afforded to wireline and wireless carriers, public safety, and end users to VoIP service. This parity in liability protections will encourage service providers, public safety, and end users to continue to rely on the 911 emergency communications system, regardless of the technology used to make a 911 call. Second, the legislation ensures that VoIP providers can interconnect with legacy telephone networks so they can deliver calls and information to 911 call centers.

Representative GORDON, the author of H.R. 3403, Representative MARKEY, Chairman of the Subcommittee on Telecommunications and the Internet, Representative BARTON, Ranking Member of the Committee, Representatives UPTON and STEARNS, the former and current Ranking Members of the Subcommittee, and I worked very closely with all stakeholders on this legislation, and it has widespread support among the public safety community, industry, and others.

As is clear from the language of the legislation, the requirement for interconnection is for purposes of 911 only and should not be used to bootstrap access for other reasons. Similarly, the legislation makes clear that those who control the legacy gateways to the emergency communications system must provide access, including rights of interconnection, to those seeking to deliver 911 calls and information. Because all stakeholders agreed to the legislative language, we fully expect that this access will not be inhibited by either delay or litigation.

H.R. 3403 also requires the development of a national plan to ensure that the 911 system continues to evolve. It is significant that the plan will include the participation of first responders, including the emergency communications professionals maintaining and using the system. It is also important that the plan will address the needs of the disabilities community when they use emergency communications. I look forward to reviewing the results of this work so we can begin to move to the next generation of emergency communications.

I am disappointed that the Senate stripped out one provision of the House-passed version of this legislation that protected proprietary customer information. This provision prohibited a carrier from using the customer information that other carriers are required to provide for 911 databases for any purpose other than emergency communications. I heard no rational argument against the policy underlying this provision. Nevertheless, in the interest of ensuring that this legislation be enacted swiftly, I will support the bill as passed by the Senate.

I intend, however, to take this matter up again in the future. We owe it to consumers to ensure that their emergency communications system does not become a playground for competitive shenanigans.

H.R. 3403 is a forward-looking bill that ensures that consumers using VoIP service are able to access 911 as easily as consumers using wireline or wireless services. Each of its elements—giving VoIP providers access to the components they need to provide 911 service; extending to VoIP providers, public safety officials, and end users the liability protections currently afforded to wireline and wireless services; and requiring a plan for the continued evolution of the emergency communications system—is a worthy victory for all consumers. I commend Representative GORDON for his years of dedication to this important issue and hail this success, from which all Americans will reap benefits for years to come.

The motion was agreed to.

A motion to reconsider was laid on the table.

### **RECOGNIZING HIGH SCHOOL VALEDICTORIANS OF GRADUATING CLASS OF 2008**

Mr. SARBANES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1229) recognizing the achievements of America’s high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1229

Whereas valedictorians are conferred as the highest academically-ranked student in their high school’s graduating class;

Whereas our Nation’s secondary schools honor their highest academically ranked students with the “valedictorian” title;

Whereas valedictorians have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers;

Whereas valedictorians serve as peer role models to fellow high school students by succeeding academically and contributing to community improvement;

Whereas valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement;

Whereas numerous valedictorians and graduating seniors will further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions;

Whereas family members, teachers, school administrators, and community members have nurtured the intellectual growth and rewarded the academic achievements of valedictorians and graduating seniors; and

Whereas valedictorians and graduating seniors will become America’s future civic, business, and political leaders, maintaining our Nation’s global leadership position and