

Next Generation 9-1-1 Act of 2020

To further deployment of Next Generation 9-1-1 to enhance and upgrade the 9-1-1 systems of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Next Generation 9-1-1 Act of 2020”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 9-1-1 systems of the United States, while a model for the entire world, lack the advanced functionality, interoperability, and capabilities that come with the adoption of new digital communications technologies.

(2) Communications technologies currently available to the public, including first responders and other public safety personnel, have substantially outpaced the legacy communications technologies still used by most emergency communications centers in the 9-1-1 systems of the United States.

(3) This lack of modern technology, when coupled with other challenges, is impacting the ability of the 9-1-1 systems of the United States to efficiently and effectively provide responses to emergencies.

(4) Modernizing the 9-1-1 systems of the United States to incorporate the new and evolving capabilities of broadband voice and data communications is essential for the safety and security of the public, including first responders and other public safety personnel.

(5) Efforts to modernize the 9-1-1 systems of the United States to date, while laudable and important, have been limited due to a lack of funding and inconsistent or unclear policies related to the governance, deployment, and operations of Next Generation 9-1-1.

(6) A nationwide strategy for Next Generation 9-1-1 has become essential to help guide the transition and create a common framework for implementation of Next Generation 9-1-1 while preserving state, regional, and local control over the governance and technology choices of the 9-1-1 systems of the United States.

(7) Accelerated implementation of Next Generation 9-1-1 will—

(A) increase compatibility with emerging communications trends;

(B) enhance the flexibility, reliability, and survivability of the 9-1-1 systems of the United States during major incidents;

(C) improve emergency response for the public, including first responders and other public safety personnel;

(D) promote the interoperability of the 9–1–1 systems of the United States with emergency response providers including users of the Nationwide Public Safety Broadband Network being deployed by the First Responder Network Authority; and

(E) increase the cost effectiveness of operating the 9–1–1 systems of the United States.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the 9–1–1 professionals in the United States perform important and lifesaving work every day, and need the tools and communications technologies to perform the work effectively in a world with digital communications technologies;

(2) the transition from the legacy communications technologies used in the 9–1–1 systems of the United States to Next Generation 9–1–1 is a national priority and a national imperative;

(3) the United States should complete the transition described in paragraph (2) as soon as practicable;

(4) the United States should develop a nationwide framework that facilitates cooperation among Federal, State, and local officials on deployment of Next Generation 9–1–1 in order to meet that goal;

(5) the term “Public Safety Answering Point” becomes outdated in a broadband environment and 9–1–1 centers are increasingly and appropriately being referred to as emergency communications centers; and

(6) 9–1–1 authorities and emergency communications centers should have sufficient resources to implement Next Generation 9–1–1, including resources to support associated geographic information systems (commonly known as “GIS”), and cybersecurity measures.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Next Generation 9–1–1 should be technologically and competitively neutral;

(2) Next Generation 9–1–1 should be interoperable;

(3) the governance and control of the 9–1–1 systems of the United States, including Next Generation 9–1–1, should remain at the State, regional, and local level; and

(4) individuals in the United States should receive information on how to best utilize Next Generation 9–1–1 and on its capabilities and usefulness.

SEC. 5. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

(a) **ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—**

(1) **AUTHORITY.—**The Office shall implement the provisions of this section.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop and may modify 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 the date of the enactment of this section or 90 days after the date on which the plan is modified, as applicable, 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)(2)(A)(ii), to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

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

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(2)(A)(iii);

(D) provide technical assistance to grantees in support of efforts to explore efficiencies related to Next Generation 9-1-1 functions;

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

(F) 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 fulfill the purposes under subsection.

(5) Establishment of Next Generation 9-1-1 Advisory Board.—

(A) Establishment.—The Office shall establish a “Next Generation 9-1-1 Advisory Board” to advise the Office in carrying out its duties and responsibilities under this section.

(B) Membership.

(i) Voting members.—Not later than 30 days after the date of enactment of this title, the Assistant Secretary and Administrator shall appoint 16 public safety members to the board, of which

(I) 4 members shall be representative of local law enforcement officials;

(II) 4 members shall be representative of fire and rescue officials;

(III) 4 members shall be representative of emergency medical service officials; and

(IV) 4 members shall be representative of 9-1-1 professionals.

(ii) Diversity of Membership.—Members shall be representatives of state and local governments, chosen to reflect geographic and population density differences as well as public safety organizations at the national level across the United States;

(iii) Expertise.—All members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, and public safety communications 9-1-1 expertise.

(iv) Rank and File Members.—A rank and file member from each of the public safety disciplines listed in (B)(i)(I, II, and III) shall be appointed as a voting member of the Advisory Board and shall be selected from an organization that represents their public safety discipline at the national level.

(C) Period of Appointment –

(i) In General.—Except as provided in subparagraph (ii), members of the Board shall be appointed for the life of the Board.

(ii) Removal for Cause.—A member of the Board may be removed for cause upon the determination of the Assistant Secretary and Administrator.

(D) Vacancies.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(E) Quorum.—A majority of the members of the Board shall constitute a quorum.

(F) Chairperson and Vice Chairperson.—The Board shall select a Chairperson and Vice Chairperson from among the voting members of the Board.

(G) Duties of the Board.—Not later than 120 days after the date of enactment of this Act, the Board shall submit to the Office recommendations concerning:

(i) The importance of deploying Next Generation 9-1-1 in both rural and urban areas;

(ii) The importance of ensuring flexibility in guidance, rules and grant funding to allow for technology improvements;

(iii) The value of creating efficiencies related to Next Generation 9-1-1 functions including cybersecurity and the virtualization and sharing of core infrastructure;

(iv) The value of enabling effective coordination among state, local, tribal, and territorial government entities to ensure that the needs of emergency communications centers in both rural and urban areas are taken into account in each plan for the coordination and implementation of Next Generation 9-1-1; and

(v) The relevance of existing cybersecurity resources to Next Generation 9-1-1 procurement and deployment.

(H) Consideration by the Office.—The Office shall consider the recommendations of the Board as the Office carries out its responsibilities under this Act.

(I) Exemption from FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(J) Duration of Authority.—The Board shall remain in place throughout the period that grant funds are authorized under section (c)(1), to provide additional advice from time to time to the Office.

(6) Establishment of Nationwide Next Generation 9 1-1 Security Operations Center.—

(A) Establishment.—There is established within the Office the “Nationwide Next Generation 9 1-1 Security Operations Center.”

(B) Organization.—The Office shall consider the recommendations of the Next Generation 9-1-1 Advisory Board in selecting the appropriate personnel to best fulfill the Center’s mission.

(C) Mission.—The Center shall:

(i) Serve as a centralized emergency communications cybersecurity center that has the ability to provide integrated intrusion, detection and prevention services at multiple levels and layers, in support of local operations;

(ii) Provide forensic data to cyber responders and investigators in the event of an incident;

(iii) Activate pre-planned mitigation measures as agreed upon with emergency communications centers and as appropriate during a cyber incident;

(iv) Assist application vendors in ensuring secure connectivity and providing vetted and secure services; and

(v) Assist federal, state, and local law enforcement in identifying cyber criminals whether located in the U.S. or internationally.

(b) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

(1) GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

- (A) the implementation of Next Generation 9–1–1;
- (B) establishing and maintaining Next Generation 9–1–1;
- (C) training directly related to Next Generation 9–1–1 provided:
 - (i) such costs do not exceed 3% of the total grant award, or up to 5% of the total grant award if sufficiently justified; and
 - (ii) permissible costs may include:
 - (I) actual wages incurred for travel and attendance including any necessary overtime pay and backfill wages;
 - (II) travel expenses;
 - (III) instructor expenses; and
 - (IV) facility costs and training materials.
- (D) public outreach and education on how best to use Next Generation 9–1–1 and on its capabilities and usefulness; and
- (E) administrative costs associated with planning and implementation of Next Generation 9–1–1, including costs related to planning for and preparing an application and related materials as required by this section, if—
 - (i) such costs are fully documented in materials submitted to the Office; and
 - (ii) such costs are reasonable and necessary and do not exceed 1 percent of the total grant award for eligible entities and 1 percent of the total grant award for emergency communications centers.

(2) 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, the entity
 - (i) has coordinated the application with the emergency communications centers located within the jurisdiction of such entity;
 - (ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such coordinator with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and
 - (iii) has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 that—

(I) ensures interoperability by requiring the use of commonly accepted standards;

(II) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

(III) incorporates the use of effective cybersecurity resources;

(IV) uses open and competitive request for proposal processes, including via shared government procurement vehicles, for deployment of Next Generation 9–1–1;

(V) documents how input was received and accounted for from relevant rural and urban emergency communications centers, regional authorities, local authorities, and Tribal authorities;

(VI) includes a governance body or bodies, either by creation of new or use of existing body or bodies, for the development and deployment of Next Generation 9–1–1 that—

(aa) ensures full notice and opportunity for participation by relevant stakeholders; and

(bb) consults and coordinates with the State point of contact required by clause (ii);

(VII) creates efficiencies related to Next Generation 9-1-1 functions including cybersecurity and the virtualization and sharing of infrastructure, equipment, and services; and

(VIII) ensures a non-proprietary, competitive approach to credentialing and access management that:

(aa) is not limited to a singular entity to issue and manage credentials and/or access;

(bb) promotes development of cooperative industry- and government-based solutions with common authentication and access parameters established by state and local authorities in consultation with the Next Generation 9-1-1 Security Operations Center; and

(cc) remains under local, not federated, control.

(B) in the case of an eligible entity that is a Tribal Organization, the Tribal Organization has complied with clauses (i) and (iii) of subparagraph (A), and the State in which the Tribal Organization is located has complied with clause (ii) of such subparagraph.

(3) CRITERIA.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this section, 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.

(B) REQUIREMENTS.—The criteria shall—

(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this section; and

(ii) specifically permit regional or multi-state applications for funds.

(C) UPDATES.—The Assistant Secretary and the Administrator shall update such regulations as necessary.

(4) GRANT CERTIFICATIONS.—Each applicant for a 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 the funds from the grant are available to the applicant, that—

(A) 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 on which the application was filed and continuing through the period of time during which the funds from the grant are available to the applicant;

(B) any funds received by the applicant will be used to support deployment of Next Generation 9–1–1 that ensures interoperability by requiring the use of commonly accepted standards;

(C) the state in which the applicant resides has established, or has committed to establish no later than 3 years following the date on which the funds are distributed to the applicant, a sustainable funding mechanism for Next Generation 9–1–1 and effective cybersecurity resources to be deployed pursuant to the grant;

(D) the applicant will promote interoperability between Next Generation 9–1–1 emergency communications centers and emergency response providers including users of the nationwide public safety broadband network implemented by the First Responder Network Authority;

(E) the applicant has or will take steps to coordinate with adjoining States to establish and maintain Next Generation 9–1–1; and

(F) the applicant has developed a plan for public outreach and education on how to best use Next Generation 9–1–1 and on its capabilities and usefulness.

(5) 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, fails to comply with the certifications required under paragraph (4), all of the funds from such grant shall be returned to the Office.

(6) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (4) knowing that the information provided in the certification was false shall—

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

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

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

(7) PROHIBITION.—No grant funds under this subsection may be used—

(A) for any component of the Nationwide Public Safety Broadband Network; or

(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

(c) FUNDING AND TERMINATION.—

(1) IN GENERAL.—In addition to any funds authorized for grants under section 158, there is authorized to be appropriated \$15,000,000,000 for fiscal years 2021 through 2027, of which \$150,000,000 is to be made available to the Director of NIST to carry out the responsibilities under section 6 of this Act.

(2) ADMINISTRATIVE COSTS.—The Office may use up to \$24,000,000 of the funds authorized under this subsection for reasonable and necessary administrative costs associated with the grant program and to establish the Network Security Operations Center under this section.

(d) DEFINITIONS.—In this section:

(1) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term ‘9–1–1 request for emergency assistance’ means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to an emergency communications center for the purpose of requesting emergency assistance.

(2) COMMONLY ACCEPTED STANDARDS.—The term ‘commonly accepted standards’ means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that enable interoperability, including but not limited to,

(A) standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Taskforce (IETF), and the International Telecommunications Union (ITU); and

(B) standards approved by the American National Standards Institute (ANSI) that meet the definition of interoperable within this section.

(3) DESIGNATED 9–1–1 CHARGES.—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, Enhanced 9–1–1 services, or Next Generation 9–1–1.

(4) ELIGIBLE ENTITY.—The term ‘eligible entity’—

(A) means a State or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)));

(B) includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to coordinate or provide Next Generation 9–1–1; and

(C) does not include any entity that has failed to submit the certifications required under subsection (b)(4).

(5) EMERGENCY COMMUNICATIONS CENTER.—The term ‘emergency communications center’ means a facility that is designated to receive a 9–1–1 request for emergency assistance and perform one or more of the following functions:

(A) process and analyze 9–1–1 requests for emergency assistance and other gathered information.

(B) dispatch appropriate emergency response providers.

(C) transfer or exchange 9–1–1 requests for emergency assistance and other gathered information with other emergency communications centers and emergency response providers.

(D) analyze any communications received from emergency response providers.

(E) support incident command functions.

(6) EMERGENCY RESPONSE PROVIDER.—The term ‘emergency response provider’ has the meaning given that term under section 2 of the Homeland Security Act (6 U.S.C. 101(6), “includes Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.”).

(7) INTEROPERABLE.—The term ‘interoperable’ or ‘interoperability’ means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and related data such as location information and callback numbers from the public, then process and share the 9–1–1 requests for emergency assistance and related data with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

(8) NATIONWIDE.—The term ‘nationwide’ means all states of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern

Mariana Islands, any other territory or possession of the United States, and each federally recognized Indian tribe.

(9) **NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.**—The term ‘nationwide public safety broadband network’ has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

(10) **NEXT GENERATION 9–1–1.**—The term Next Generation 9–1–1 means an interoperable, secure, Internet Protocol-based system that—

- (A) employs commonly accepted standards;
- (B) enables the appropriate emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;
- (C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and
- (D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

(11) **OFFICE.**—The term ‘Office’ means the Next Generation 9–1–1 Implementation Coordination Office established under section 158 of this title.

(12) **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.

(13) **SUSTAINABLE FUNDING MECHANISM.**—The term ‘sustainable funding mechanism’ means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

SEC. 6. TECHNICAL ASSISTANCE, RESEARCH AND DEVELOPMENT

(1) To promote competition, innovation, and interoperability in the Next Generation 9-1-1 equipment and service provider market, the Director of NIST may provide technical assistance to the Office to assist the Office in effectuating its duties and responsibilities under this Act, including the use of commonly accepted standards.

(2) The Director of NIST shall conduct research and assist with the development of technologies and applications to advance Next Generation 9-1-1 by:

- (A) Establishing a research plan, and directing research, that addresses the needs of public safety communications officials beyond what can be provided by the current generation of Next Generation 9-1-1 technology; and
- (B) Convening working groups of relevant government and commercial parties to achieve the goals of this subsection as well as seeking recommendations from the Next Generation 9-1-1 Advisory Board.

(3) The Director of NIST shall provide an annual report to the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives by the first day of October of each year on its activities under this section.

SEC. 7. SAVINGS PROVISION.

Nothing in this Act or any amendment made by this Act shall affect any application pending or grant awarded under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) prior to date of the enactment of this Act.

Public Safety NG9-1-1 Coalition Draft Legislation

Public Safety NG9-1-1 Coalition Draft Legislation