

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3115

To amend the National Telecommunications and Information Administration Organization Act to enhance and promote the Nation's public safety and citizen activated emergency response capabilities through the use of 9-1-1 services, to further upgrade public safety answering point capabilities and related functions in receiving 9-1-1 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system.

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2010

Ms. KLOBUCHAR (for herself and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the National Telecommunications and Information Administration Organization Act to enhance and promote the Nation's public safety and citizen activated emergency response capabilities through the use of 9-1-1 services, to further upgrade public safety answering point capabilities and related functions in receiving 9-1-1 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Next Generation 9-  
3 1-1 Preservation Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) for the sake of our Nation’s public safety,  
7 a universal emergency telephone number (9-1-1)  
8 that is enhanced with the most modern and state-of-  
9 the-art telecommunications capabilities possible, in-  
10 cluding voice, data, and video communications,  
11 should be available to all citizens where they live,  
12 work, and travel;

13 (2) a successful migration to the Next Genera-  
14 tion 9-1-1 communications system will require great-  
15 er Federal, State, and local government resources  
16 and coordination;

17 (3) any funds that are collected from fees im-  
18 posed on consumer bills for the purposes of funding  
19 9-1-1 services or enhanced 9-1-1 services should only  
20 be used for the purposes for which the funds are col-  
21 lected;

22 (4) it is a national priority to foster the migra-  
23 tion from analog, voice-centric 9-1-1 and current  
24 generation emergency communications systems to a  
25 21st century, Next Generation, IP-based emergency

1 services model that embraces a wide range of voice,  
2 video, and data applications;

3 (5) ensuring 9-1-1 access for all citizens in-  
4 cludes improving access to 9-1-1 systems for the  
5 deaf, hard of hearing, deaf-blind, and individuals  
6 with speech disabilities, who are increasingly com-  
7 municating with non-traditional text, video, and in-  
8 stant messaging communications services and who  
9 expect those services to be able to connect directly  
10 to 9-1-1 systems;

11 (6) a coordinated public educational effort on  
12 current and emerging 9-1-1 system capabilities and  
13 proper use of the 9-1-1 system is essential to the op-  
14 eration of an effective 9-1-1 system;

15 (7) Federal policies and funding should enable  
16 the transition to an Internet Protocol-based (IP-  
17 based) Next Generation 9-1-1 system and Federal 9-  
18 1-1 and emergency communications laws and regula-  
19 tions must keep pace with rapidly changing tech-  
20 nology to ensure an open and competitive 9-1-1 envi-  
21 ronment based on the most advanced technology  
22 available; and

23 (8) Federal policies and grant programs should  
24 reflect the growing convergence and integration of  
25 emergency communications technology, such that

1 State interoperability plans and Federal funding in  
2 support of such plans is made available for all as-  
3 pects of Next Generation 9-1-1 and emergency com-  
4 munications systems.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are—

7 (1) to focus Federal policies and funding pro-  
8 grams to ensure a successful migration from a voice-  
9 centric 9-1-1 system to an IP-enabled, Next Genera-  
10 tion 9-1-1 emergency response system that uses  
11 voice, data, and video services that greatly enhance  
12 the capability of 9-1-1 and emergency response serv-  
13 ices;

14 (2) to ensure that technologically advanced 9-1-  
15 1 and emergency communications systems are uni-  
16 versally available and adequately funded to serve all  
17 Americans; and

18 (3) to ensure all 9-1-1 and emergency response  
19 organizations have access to—

20 (A) high-speed broadband networks;

21 (B) interconnected IP backbones; and

22 (C) innovative services and applications.

1 **SEC. 4. COORDINATION OF 9-1-1 IMPLEMENTATION.**

2 Section 158 of the National Telecommunications and  
3 Information Administration Organization Act (47 U.S.C.  
4 942) is amended to read as follows:

5 **“SEC. 158. COORDINATION OF E-911 AND NEXT GENERA-**  
6 **TION 9-1-1 IMPLEMENTATION.**

7 “(a) 9-1-1 IMPLEMENTATION COORDINATION OF-  
8 FICE.—

9 “(1) ESTABLISHMENT AND CONTINUATION.—

10 The Assistant Secretary shall—

11 “(A) establish and further a program to  
12 facilitate coordination and communication be-  
13 tween Federal, State, and local emergency com-  
14 munications systems, emergency personnel,  
15 public safety organizations, telecommunications  
16 carriers, and telecommunications equipment  
17 manufacturers and vendors involved in the im-  
18 plementation of all 9-1-1 services; and

19 “(B) create an improved 9-1-1 Implemen-  
20 tation Coordination Office to implement the  
21 provisions of this section.

22 “(2) MANAGEMENT PLAN.—The Assistant Sec-  
23 retary shall develop a management plan for the pro-  
24 gram established under this section. Such plan shall  
25 include the organizational structure and funding  
26 profiles for the 5-year duration of the program. The

1 Assistant Secretary shall, within 90 days after the  
2 date of enactment of the Next Generation 9-1-1  
3 Preservation Act of 2010, submit the management  
4 plan to the Committees on Energy and Commerce  
5 and Appropriations of the House of Representatives  
6 and the Committees on Commerce, Science, and  
7 Transportation and Appropriations of the Senate.

8 “(3) PURPOSE OF OFFICE.—The Office shall—

9 “(A) take actions, in concert with coordi-  
10 nators designated in accordance with subsection  
11 (b)(3)(A)(ii), to improve such coordination and  
12 communication;

13 “(B) develop, collect, and disseminate in-  
14 formation concerning practices, procedures, and  
15 technology used in the implementation of E-  
16 911 services and Next Generation 9-1-1 serv-  
17 ices;

18 “(C) advise and assist eligible entities in  
19 the preparation of implementation plans re-  
20 quired under subsection (b)(3)(A)(iii);

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

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

4           “(4) REPORTS.—The Assistant Secretary shall  
5           provide an annual report to Congress by the first  
6           day of October of each year on the activities of the  
7           Office to improve coordination and communication  
8           with respect to the implementation of E-911 serv-  
9           ices and Next Generation 9-1-1 services.

10          “(b) E-911 AND NEXT GENERATION 9-1-1 IMPLE-  
11          MENTATION GRANTS.—

12           “(1) MATCHING GRANTS.—The Assistant Sec-  
13           retary, after consultation with the Chairman of the  
14           Commission, and acting through the Office, shall  
15           provide grants to eligible entities for—

16           “(A) the implementation and operation of  
17           E-911 services, migration to an IP-enabled  
18           emergency network, and adoption and operation  
19           of Next Generation 9-1-1 services and applica-  
20           tions;

21           “(B) the implementation of IP-enabled  
22           emergency services and applications enabled by  
23           Next Generation 9-1-1 services, including the  
24           establishment of IP backbone networks and the  
25           application layer software infrastructure needed

1 to interconnect the multitude of emergency re-  
2 sponse organizations; and

3 “(C) training in 9-1-1 services of public  
4 safety personnel, including call-takers, first re-  
5 sponders, and other individuals and organiza-  
6 tions who are part of the emergency response  
7 chain.

8 “(2) MATCHING REQUIREMENT.—The Federal  
9 share of the cost of a project eligible for a grant  
10 under this section shall not exceed 80 percent. The  
11 non-Federal share of the cost shall be provided from  
12 non-Federal sources unless waived by the Assistant  
13 Secretary.

14 “(3) COORDINATION REQUIRED.—In providing  
15 grants under paragraph (1), the Assistant Secretary  
16 shall require an eligible entity to certify in its appli-  
17 cation that—

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

20 “(i) has coordinated its application  
21 with the public safety answering points lo-  
22 cated within the jurisdiction of such entity;

23 “(ii) has designated a single officer or  
24 governmental body of the entity to serve as  
25 the coordinator of implementation of 9-1-1

1 services, except that such designation need  
2 not vest such coordinator with direct legal  
3 authority to implement E-911 services or  
4 Next Generation 9-1-1 services or to man-  
5 age emergency communications operations;

6 “(iii) has established a plan for the  
7 coordination and implementation of E-911  
8 services and Next Generation 9-1-1 serv-  
9 ices; and

10 “(iv) has integrated telecommuni-  
11 cations services involved in the implemen-  
12 tation and delivery of E-911 services and  
13 Next Generation 9-1-1 services; or

14 “(B) in the case of an eligible entity that  
15 is not a State, the entity has complied with  
16 clauses (i), (iii), and (iv) of subparagraph (A),  
17 and the State in which it is located has com-  
18 plied with clause (ii) of such subparagraph.

19 “(4) CRITERIA.—Within 120 days after the  
20 date of enactment of the Next Generation 9-1-1  
21 Preservation Act of 2010, the Assistant Secretary  
22 shall issue regulations, after providing the public  
23 with notice and an opportunity to comment, pre-  
24 scribing the criteria for selection for grants under  
25 this section. The criteria shall include performance

1 requirements and a timeline for completion of any  
2 project to be financed by a grant under this section.  
3 The Assistant Secretary shall update such regula-  
4 tions as necessary.

5 “(c) DIVERSION OF 9-1-1 CHARGES.—

6 “(1) DESIGNATED 9-1-1 CHARGES.—For the  
7 purposes of this subsection, the term ‘designated 9-  
8 1-1 charges’ means any taxes, fees, or other charges  
9 imposed by a State or other taxing jurisdiction that  
10 are designated or presented as dedicated to deliver  
11 or improve E-911 services or Next Generation 9-1-  
12 1 services.

13 “(2) CERTIFICATION.—Each applicant for a  
14 matching grant under this section shall certify to the  
15 Assistant Secretary at the time of application, and  
16 each applicant that receives such a grant shall cer-  
17 tify to the Assistant Secretary annually thereafter  
18 during any period of time during which the funds  
19 from the grant are available to the applicant, that  
20 no portion of any designated 9-1-1 charges imposed  
21 by a State or other taxing jurisdiction within which  
22 the applicant is located are being obligated or ex-  
23 pended for any purpose other than the purposes for  
24 which such charges are designated or presented dur-  
25 ing the period beginning 180 days immediately pre-

1 ceding the date of the application and continuing  
2 through the period of time during which the funds  
3 from the grant are available to the applicant.

4 “(3) CONDITION OF GRANT.—Each applicant  
5 for a grant under this section shall agree, as a con-  
6 dition of receipt of the grant, that if the State or  
7 other taxing jurisdiction within which the applicant  
8 is located, during any period of time during which  
9 the funds from the grant are available to the appli-  
10 cant, obligates or expends designated 9-1-1 charges  
11 for any purpose other than the purposes for which  
12 such charges are designated or presented, all of the  
13 funds from such grant shall be returned to the Of-  
14 fice.

15 “(4) PENALTY FOR PROVIDING FALSE INFOR-  
16 MATION.—Any applicant that provides a certification  
17 under paragraph (1) knowing that the information  
18 provided in the certification was false shall—

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

21 “(B) return any grant awarded under sub-  
22 section (b) during the time that the certification  
23 was not valid; and

24 “(C) not be eligible to receive any subse-  
25 quent grants under subsection (b).

1 “(d) AUTHORIZATION AND TERMINATION.—

2 “(1) AUTHORIZATION.—There are authorized to  
3 be appropriated to the Department of Commerce, for  
4 the purposes of grants under the program operated  
5 under this section, not more than \$250,000,000 for  
6 each of the fiscal years 2010 through 2015, not  
7 more than 5 percent of which for any fiscal year  
8 may be obligated or expended for administrative  
9 costs.

10 “(2) TERMINATION.—The provisions of this  
11 section shall cease to be effective on October 1,  
12 2014.

13 “(e) DEFINITIONS.—As used in this Act—

14 “(1) 9-1-1 SERVICES.—The term 9-1-1 services  
15 includes both E-911 services and Next Generation  
16 9-1-1 services.

17 “(2) E-911 SERVICES.—The term ‘E-911 serv-  
18 ices’ means both phase I and phase II enhanced 9-  
19 1-1 services, as described in section 20.18 of the  
20 Commission’s regulations (47 CFR 20.18), as in ef-  
21 fect on the date of enactment of the Next Genera-  
22 tion 9-1-1 Preservation Act of 2010, or as subse-  
23 quently revised by the Commission.

24 “(3) ELIGIBLE ENTITY.—

1           “(A) IN GENERAL.—The term ‘eligible en-  
2           tity’ means a State or local government or a  
3           tribal organization (as defined in section 4(l) of  
4           the Indian Self-Determination and Education  
5           Assistance Act (25 U.S.C. 450b(l))).

6           “(B) INSTRUMENTALITIES.—Such term in-  
7           cludes public authorities, boards, commissions,  
8           and similar bodies created by one or more eligi-  
9           ble entities described in subparagraph (A) to  
10          provide E–911 services or Next Generation 9-1-  
11          1 services.

12          “(C) EXCEPTION.—Such term does not in-  
13          clude any entity that has failed to submit the  
14          most recently required certification under sub-  
15          section (c) within 30 days after the date on  
16          which such certification is due.

17          “(4) EMERGENCY CALL.—The term ‘emergency  
18          call’ refers to any real-time communication to a pub-  
19          lic safety answering point or other emergency man-  
20          agement or response agency, including through  
21          voice, text, or video and related data and including  
22          nonhuman-initiated automatic event alerts, such as  
23          alarms, telematics, or sensor data, which may also  
24          include real-time voice, text, or video communica-  
25          tions.

1           “(5) NEXT GENERATION 9-1-1 SERVICES.—The  
2 term ‘Next Generation 9-1-1 services’ means an IP-  
3 based system comprised of hardware, software, data,  
4 and operational policies and procedures that—

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

8           “(B) processes all types of emergency calls,  
9 including voice, data, and multimedia informa-  
10 tion;

11           “(C) acquires and integrates additional  
12 emergency call data useful to call routing and  
13 handling;

14           “(D) delivers the emergency calls, mes-  
15 sages, and data to the appropriate public safety  
16 answering point and other appropriate emer-  
17 gency entities;

18           “(E) supports data or video communica-  
19 tions needs for coordinated incident response  
20 and management; or

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

24           “(6) OFFICE.—The term ‘Office’ means the 9-  
25 1-1 Implementation Coordination Office.

1           “(7) PUBLIC SAFETY ANSWERING POINT.—The  
2 term ‘public safety answering point’ has the meaning  
3 given the term in section 222 of the Communica-  
4 tions Act of 1934.

5           “(8) STATE.—The term ‘State’ means any  
6 State of the United States, the District of Columbia,  
7 Puerto Rico, American Samoa, Guam, the United  
8 States Virgin Islands, the Northern Mariana Is-  
9 lands, and any other territory or possession of the  
10 United States.”.

11 **SEC. 5. REQUIREMENTS FOR MULTI-LINE TELEPHONE SYS-**  
12 **TEMS.**

13       (a) IN GENERAL.—Within 270 days after the date  
14 of enactment of this Act, the Administrator of General  
15 Services, in conjunction with the 9-1-1 Implementation  
16 Coordination Office established under section 158 of the  
17 National Telecommunications and Information Adminis-  
18 tration Organization Act, shall issue a report to Congress  
19 identifying the 9-1-1 capabilities of the multi-line tele-  
20 phone system in use by all Federal agencies in all Federal  
21 buildings and properties.

22       (b) COMMISSION ACTION.—

23           (1) IN GENERAL.—Within 90 days after the  
24 date of enactment of this Act, the Federal Commu-  
25 nications Commission shall issue a public notice

1 seeking comment on the feasibility of requiring  
2 MLTS operators to provide a sufficiently precise in-  
3 dication of a 9-1-1 caller's location, while avoiding  
4 the imposition of undue burdens on MLTS manufac-  
5 turers, providers, and operators.

6 (2) SPECIFIC REQUIREMENT.—The public no-  
7 tice under paragraph (1) shall seek comment on the  
8 National Emergency Number Association's "Tech-  
9 nical Requirements Document On Model Legislation  
10 E-911 for Multi-Line Telephone Systems" (NENA  
11 06-750, Version 2).

12 (c) DEFINITION.—The term "multi-line telephone  
13 system" or "MLTS" means a system comprised of com-  
14 mon control units, telephone sets, control hardware and  
15 software and adjunct systems, including network and  
16 premises based systems, such as Centrex and VoIP, as  
17 well as PBX, Hybrid, and Key Telephone Systems (as  
18 classified by the Federal Communications Commission  
19 under part 68 of title 47, Code of Federal Regulations)  
20 and includes systems owned or leased by governmental  
21 agencies and non-profit entities, as well as for profit busi-  
22 nesses.

1 **SEC. 6. GAO STUDY OF STATE AND LOCAL USE OF 9-1-1**  
2 **SERVICE CHARGES.**

3 (a) **IN GENERAL.**—Within 60 days after the date of  
4 enactment of this Act, the Comptroller General shall ini-  
5 tiate a study of—

6 (1) the imposition of taxes, fees, or other  
7 charges imposed by States or political subdivisions  
8 of States that are designated or presented as dedi-  
9 cated to improve emergency communications serv-  
10 ices, including 9-1-1 services or enhanced 9-1-1 serv-  
11 ices, or related to emergency communications serv-  
12 ices operations or improvements; and

13 (2) the use of revenues derived from such taxes,  
14 fees, or charges.

15 (b) **REPORT.**—Within 18 months after initiating the  
16 study required by subsection (a), the Comptroller General  
17 shall transmit a report on the results of the study to the  
18 Committee on Commerce, Science, and Transportation of  
19 the Senate and the Committee on Energy and Commerce  
20 of the House of Representatives setting forth the findings,  
21 conclusions, and recommendations, if any, of the study,  
22 including—

23 (1) the identity of each State or political sub-  
24 division that imposes such taxes, fees, or other  
25 charges; and

1           (2) the amount of revenues obligated or ex-  
2           pended by that State or political subdivision for any  
3           purpose other than the purposes for which such  
4           taxes, fees, or charges were designated or presented.

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