

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO SUBTITLE K
OFFERED BY MS. ESHOO OF CALIFORNIA**

Strike all and insert the following:

1 Subtitle K—Next Generation 9–1–1

2 SEC. 31101. DEPLOYMENT OF NEXT GENERATION 9–1–1.

3 (a) APPROPRIATION.—

4 (1) IN GENERAL.—In addition to amounts oth-
5 erwise available, there is appropriated to the Assist-
6 ant Secretary for fiscal year 2022, out of any money
7 in the Treasury not otherwise appropriated,
8 \$10,000,000,000, to remain available until Sep-
9 tember 30, 2030, to make grants to eligible entities
10 for implementing Next Generation 9–1–1, operating
11 and maintaining Next Generation 9–1–1, training
12 directly related to implementing, maintaining, and
13 operating Next Generation 9–1–1, if the cost related
14 to such training does not exceed 3 percent of the
15 total grant award, and planning and implementation
16 activities, if the cost related to such planning and
17 implementation does not exceed 1 percent of the
18 total grant award.

1 (2) ADMINISTRATIVE EXPENSES.—Of the
2 amount appropriated in this subsection, the Assist-
3 ant Secretary may use not more than 2 percent to
4 implement and administer this section.

5 (3) RULEMAKING REQUIRED.—Not later than
6 180 days after the date of the enactment of this Act,
7 the Assistant Secretary shall, after public notice and
8 opportunity for comment, issue rules to implement
9 this section.

10 (b) ELIGIBILITY.—

11 (1) IN GENERAL.—The Assistant Secretary
12 shall not make a grant under this section to any eli-
13 gible entity unless such entity certifies to the Assist-
14 ant Secretary that—

15 (A) no portion of any 9–1–1 fee or charge
16 imposed by the eligible entity, or (in the case
17 that the eligible entity is not a covered State or
18 Tribal organization) any State or taxing juris-
19 diction within which the eligible entity will carry
20 out activities using grant funds, will be obli-
21 gated or expended for any purpose or function
22 other than a purpose or function for which the
23 obligation or expenditure of such a fee or
24 charge is acceptable (as determined by the Fed-
25 eral Communications Commission pursuant to

1 the rules issued under section 6(f)(3) of the
2 Wireless Communications and Public Safety
3 Act of 1999 (47 U.S.C. 615a-1(f)(3)), as such
4 rules are in effect on the date on which the eli-
5 gible entity makes the certification) during any
6 period during which the funds from the grant
7 are available to the eligible entity;

8 (B) any funds received by the eligible enti-
9 ty will be used to support the deployment of
10 Next Generation 9-1-1 in a manner that en-
11 sures reliability, interoperability, and requires
12 the use of commonly accepted standards;

13 (C) the eligible entity has established, or
14 commits to establish not later than 3 years
15 after the date on which the funds are distrib-
16 uted to the eligible entity, a sustainable funding
17 mechanism for Next Generation 9-1-1 and ef-
18 fective cybersecurity for Next Generation 9-1-
19 1; and

20 (D) no funds received by the eligible entity
21 will be used to purchase, rent, lease, or other-
22 wise obtain covered communications equipment
23 or services (as defined in section 9 of the Se-
24 cure and Trusted Communications Networks
25 Act of 2019 (47 U.S.C. 1608)).

1 (2) OTHER REQUIREMENTS.—The Assistant
2 Secretary shall not make a grant under this section
3 to an eligible entity unless such entity certifies to
4 the Assistant Secretary that—

5 (A) the eligible entity, and (in the case
6 that the eligible entity is not a covered State or
7 Tribal organization) any covered State within
8 which the eligible entity will carry out activities
9 using grant funds, has designated a single offi-
10 cer or governmental body to serve as the point
11 of contact to coordinate the implementation of
12 Next Generation 9–1–1 for such covered State
13 or Tribal organization; and

14 (B) the eligible entity has developed and
15 submitted a plan for the coordination and im-
16 plementation of Next Generation 9–1–1 con-
17 sistent with the requirements of the Assistant
18 Secretary that, at a minimum—

19 (i) ensures interoperability, reliability,
20 resiliency, and the use of commonly accept-
21 ed standards;

22 (ii) enables emergency communica-
23 tions centers to process, analyze, and store
24 multimedia, data, and other information;

1 (iii) incorporates cybersecurity tools,
2 including intrusion detection and preven-
3 tion measures;

4 (iv) includes strategies for coordi-
5 nating cybersecurity information sharing
6 between Federal, covered State, Tribal,
7 and local government partners;

8 (v) includes a governance body or bod-
9 ies, either by creation of a new body or
10 bodies or use of an existing body or bodies,
11 for the development and deployment of
12 Next Generation 9-1-1;

13 (vi) creates efficiencies related to Next
14 Generation 9-1-1 functions, including the
15 virtualization and sharing of infrastruc-
16 ture, equipment, and services; and

17 (vii) utilizes an effective, competitive
18 approach to establishing authentication,
19 credentialing, secure connections, and ac-
20 cess in deploying Next Generation 9-1-1,
21 including by—

22 (I) requiring certificate authori-
23 ties to be capable of cross-certification
24 with other authorities;

1 (II) avoiding risk of a single
2 point of failure or vulnerability; and
3 (III) adhering to Federal agency
4 best practices such as those promul-
5 gated by the National Institute of
6 Standards and Technology.

7 (3) RETURN OF FUNDING.—If, after making a
8 grant award to an eligible entity under subsection
9 (a), the Assistant Secretary determines that such eli-
10 gible entity has acted in a manner not in accordance
11 with the certifications required under this sub-
12 section, the Assistant Secretary shall, after affording
13 due process, rescind such grant award and recoup
14 funds from such eligible entity.

15 (c) OVERSIGHT.—In addition to amounts otherwise
16 available, there is appropriated to the Inspector General
17 of the Department of Commerce for fiscal year 2022, out
18 of any money in the Treasury not otherwise appropriated,
19 \$10,000,000, to remain available until September 30,
20 2030, to conduct oversight to combat waste, fraud, and
21 abuse of grant awards made under this section.

22 **SEC. 31102. ESTABLISHMENT OF NEXT GENERATION 9-1-1**
23 **CYBERSECURITY CENTER.**

24 In addition to amounts otherwise available, there is
25 appropriated to the Assistant Secretary for fiscal year

1 2022, out of any money in the Treasury not otherwise ap-
2 propriated, \$80,000,000, to remain available until Sep-
3 tember 30, 2030, to establish a Next Generation 9–1–1
4 Cybersecurity Center to coordinate with covered State,
5 local, and regional governments on the sharing of cyberse-
6 curity information about, the analysis of cybersecurity
7 threats to, and guidelines for strategies to detect and pre-
8 vent cybersecurity intrusions relating to Next Generation
9 9–1–1.

10 **SEC. 31103. PUBLIC SAFETY NEXT GENERATION 9–1–1 ADVI-**
11 **SORY BOARD.**

12 In addition to amounts otherwise available, there is
13 appropriated to the Assistant Secretary for fiscal year
14 2022, out of any money in the Treasury not otherwise ap-
15 propriated, \$10,000,000, to remain available until Sep-
16 tember 30, 2030, to establish a 16-member Public Safety
17 Next Generation 9–1–1 Advisory Board (in this section
18 referred to as the “Board”), to be comprised of represent-
19 atives of public safety organizations, to provide rec-
20 ommendations to the Assistant Secretary with respect to
21 carrying out the duties and responsibilities of the Assist-
22 ant Secretary related to Next Generation 9–1–1, including
23 with respect to the grant program established pursuant
24 to section 31101.

1 **SEC. 31104. DEFINITIONS.**

2 In this subtitle:

3 (1) 9-1-1 FEE OR CHARGE.—The term “9-1-
4 1 fee or charge” has the meaning given such term
5 in section 6(f)(3)(D) of the Wireless Communica-
6 tions and Public Safety Act of 1999 (47 U.S.C.
7 615a-1(f)(3)(D)).

8 (2) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary of
10 Commerce for Communications and Information.

11 (3) COMMONLY ACCEPTED STANDARDS.—The
12 term “commonly accepted standards” means the
13 technical standards followed by the communications
14 industry for network, device, and Internet Protocol
15 connectivity that—

16 (A) enable interoperability; and

17 (B) are—

18 (i) developed and approved by a
19 standards development organization that is
20 accredited by a United States or inter-
21 national standards body in a process
22 that—

23 (I) is open to the public, includ-
24 ing open for participation by any or-
25 ganization; and

1 (II) provides for a conflict resolu-
2 tion process;

3 (ii) subject to an open comment and
4 input process before being finalized by the
5 standards development organization;

6 (iii) consensus-based; and

7 (iv) made publicly available once ap-
8 proved.

9 (4) COST RELATED TO PLANNING AND IMPLE-
10 MENTATION.—The term “cost related to planning
11 and implementation” means any cost incurred by an
12 eligible entity related to planning for and preparing
13 an application and related materials as required
14 under this title.

15 (5) COVERED STATE.—The term “covered
16 State” means any State of the United States, the
17 District of Columbia, Puerto Rico, American Samoa,
18 Guam, the United States Virgin Islands, the North-
19 ern Mariana Islands, and any other territory or pos-
20 session of the United States.

21 (6) ELIGIBLE ENTITY.—The term “eligible enti-
22 ty”—

23 (A) means a covered State or a Tribal or-
24 ganization; and

1 (B) may be an entity, including a public
2 authority, board, or commission, established by
3 one or more entities described in subparagraph
4 (A).

5 (7) EMERGENCY COMMUNICATIONS CENTER.—

6 (A) IN GENERAL.—The term “emergency
7 communications center”—

8 (i) means a facility that—

9 (I) is designated to receive a 9–
10 1–1 request for emergency assistance;
11 and

12 (II) performs one or more of the
13 functions described in subparagraph
14 (B); and

15 (ii) may be a public safety answering
16 point, as defined in section 222 of the
17 Communications Act of 1934 (47 U.S.C.
18 222).

19 (B) FUNCTIONS DESCRIBED.—The func-
20 tions described in this subparagraph are the fol-
21 lowing:

22 (i) Process and analyze 9–1–1 re-
23 quests for emergency assistance and infor-
24 mation and data related to such requests.

1 (ii) Dispatch appropriate emergency
2 response providers.

3 (iii) Transfer or exchange 9–1–1 re-
4 quests for emergency assistance and infor-
5 mation and data related to such requests
6 with one or more facilities described under
7 this paragraph and emergency response
8 providers.

9 (iv) Analyze any communications re-
10 ceived from emergency response providers.

11 (v) Support incident command func-
12 tions.

13 (8) INTEROPERABLE; INTEROPERABILITY.—The
14 term “interoperable” or “interoperability” means the
15 capability of emergency communications centers to
16 receive 9–1–1 requests for emergency assistance and
17 information and data related to such requests, such
18 as location information and callback numbers from
19 a person initiating the request, and then process and
20 share the 9–1–1 requests for emergency assistance
21 and information and data related to such requests
22 with other emergency communications centers and
23 emergency response providers without the need for
24 proprietary interfaces and regardless of jurisdiction,

1 equipment, device, software, service provider, or
2 other factors.

3 (9) NEXT GENERATION 9-1-1.—The term
4 “Next Generation 9-1-1” means an interoperable,
5 secure, Internet Protocol-based system that—

6 (A) employs commonly accepted standards;

7 (B) enables emergency communications
8 centers to receive, process, and analyze all types
9 of 9-1-1 requests for emergency assistance;

10 (C) acquires and integrates additional in-
11 formation useful to handling 9-1-1 requests for
12 emergency assistance; and

13 (D) supports sharing information related
14 to 9-1-1 requests for emergency assistance
15 among emergency communications centers and
16 emergency response providers.

17 (10) PUBLIC SAFETY ORGANIZATION.—The
18 term “public safety organization” means an organi-
19 zation that represents the interests of personnel in—

20 (A) local law enforcement;

21 (B) fire and rescue;

22 (C) emergency medical service; or

23 (D) 9-1-1 services.

24 (11) RELIABILITY.—The term “reliability”
25 means the employment of sufficient measures to en-

1 sure the ongoing operation of Next Generation 9–1–
2 1, including through the use of geo-diverse, device-
3 and network-agnostic elements that provide more
4 than one physical route between end points with no
5 common points where a single failure at that point
6 would cause the operation of Next Generation 9–1–
7 1 to fail.

8 (12) STATE OR TAXING JURISDICTION.—The
9 term “State or taxing jurisdiction” has the meaning
10 given such term in section 6(f)(3)(D) of the Wireless
11 Communications and Public Safety Act of 1999 (47
12 U.S.C. 615a–1(f)(3)(D)).

13 (13) SUSTAINABLE FUNDING MECHANISM.—
14 The term “sustainable funding mechanism” means a
15 funding mechanism that provides adequate revenues
16 to cover ongoing expenses, including operations,
17 maintenance, and upgrades.

