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Date: Monday, March 29, 2021
From: Missouri APCO Legislative Committee
Subject: LIFT America Act

On March 11, 2021, APCO International announced its support and encouragement for the LIFT America Act, an infrastructure bill that includes \$15 billion in federal funding for the deployment and implementation of Next Generation 9-1-1 throughout the country. A few days later NENA released some talking points that vastly despaired from APCO's stance and caused our membership to question APCO's backing of this bill.

Throughout the past week, members of the Missouri Chapter Executive Board were in contact with APCO International staff seeking clarification on the bill and addressing the concerns brought forth by our membership. On March 26, 2021, MOAPCO President Zachary Dykes, Vice President JR Webb and Past President Steve Hoskins met with Mr. Jeff Cohen, Chief Counsel and Director of Government Relations for APCO International, to solidify our understanding of the issues.

Below are some concerns that were brought forward along with the answer or clarification provided by Mr. Cohen, according to his understanding of the proposed legislation.

NENA i3 Standards

Concern: Non-inclusion of the NENA I3 family of standards, which have been utilized by numerous ECCs and State 9-1-1 Authorities in the development of current NG911 technology.

Answer: The legislation permits i3 provided it becomes American National Standards Institute (ANSI) approved, which it is nearing completion of that process.

Federal Cybersecurity Security of Operations Center

Concern: The establishment of a new federal entity to manage cybersecurity would undermine State/Local control of 9-1-1, inject significant and complex privacy, technical and legal challenges into the NG9-1-1 implementation process and impose additional costs and administrative burdens on the National 9-1-1 Office.

Answer: The legislative language would not create a nationwide security of operations center or have federal entity-managed cybersecurity. Rather, it would adhere to the



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cybersecurity protections for 9-1-1 recommended by a federal advisory committee that received widespread support from both industry and public safety. This consists of an efficient, distributed network of cybersecurity centers at state or regional levels serving multiple 9-1-1 centers to provide intrusion detection and prevention services. This would be a layer on top of any additional cybersecurity protections implemented by agencies or their vendors.

Reliability of NG9-1-1 and how it is addressed.

Concern: Robust reliability is an essential characteristic of NG9-1-1, but achieving reliability in NG9-1-1 is an evolving challenge that requires evolving solutions. The FCC rules are more comprehensive, granular and future proof than the requirements proposed in the LIFT America Act.

Answer: The bill requires states to develop plans for NG911 grants consistent with a number of criteria such as interoperability and yes, reliability. The definition of reliability in the bill is very generic. All that would be required is for each state to address how its plan accounts for reliability. It is up to each state to develop its reliability plans (along with its vendors) at the time of the grant application.

The FCC's rule has a different purpose – it is a regulatory requirement that sets forth general requirements and requires providers of 9-1-1, E9-1-1 and NG9-1-1 services to make annual certifications. What this bill requires, for purposes of applications for the federal grant, and what the FCC requires as a regulatory matter are distinct and complementary.

Definition of Interoperability

Concern: The definition of interoperability in the LIFT America Act restricts the use of proprietary interfaces but fails to recognize that such interfaces are sometimes necessary to interconnect new NG9-1-1 systems with legacy 9-1-1 systems. The definition of “interoperable” should ensure NG9-1-1 interoperability with existing systems.

Answer: This bill will not abandon existing investments or legacy elements. This grant program would build upon existing investments and improve on them, such as by making them interoperable and a full Next Generation 9-1-1 solution (**as defined in the bill to ensure a full end-to-end solution, i.e. beyond an ESInet or call handling solution alone.**) In fact, that is why the existing definition of interoperability is so important. We



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don't want more proprietary interfaces per se, that is what has caused issues we currently have. New interoperable solutions that meet all of the bill's requirements will overlay and enhance existing deployments.

Oversight/Advisory Board

Concern: The creation of an oversight board is unnecessary and is explicitly exempt from basic transparency and accountability regulations. Board composition is heavy on law enforcement and light on 9-1-1 professionals.

Answer: The legislation does not create an oversight board but rather an Advisory Board which is comprised of stakeholders of all facets of public safety – Sheriffs, Chiefs of Police, Fire Departments, EMS Agencies, and of course 9-1-1 Professionals. The Board would have no authority, but exists to advise the grant office. This legislation does exempt the board from the Federal Advisory Committee Act, which is focused on federal agencies that write rules – which this does not. This board was exempted in order to not cause unnecessary roadblocks.

Regarding the board composition, there is an expertise clause that states that *“all (board) members shall have specific expertise necessary for developing technical requirements under this section, such as technical expertise, and public safety communications and 9-1-1 expertise.”* **Note* as written, the board is currently comprised of 4 members from law enforcement, 4 members from fire/rescue officials. 4 members from EMS officials, and 4 members from 9-1-1 professionals.**

APCO is working hard to provide better clarification on its stance and what the legislative language actually means. You should receive further communications regarding the LIFT America Act from APCO in the near future. It is also important to note that this language was initially written in 2019 and was agreed upon by the Public Safety Next Generation 9-1-1 Coalition, a coalition with the following member organizations: Major County Sheriff's of America, Major Cities Chiefs Association, International Association of Fire Chiefs, International Association of Chiefs of Police, National Association of State EMS Officials, National Sheriff's Association and the Association of Public Safety Communications Officials.



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The Missouri Chapter will continue to monitor developments and further clarification of the legislative language before deciding what course of action to take.

Respectfully,

Zachary Dykes

President, Missouri Chapter of the Association for Public Safety Communications Officials