

(B) such carrier has substantially replaced an incumbent local exchange carrier described in paragraph (1); and

(C) such treatment is consistent with the public interest, convenience, and necessity and the purposes of this section.

(i) Savings provision

Nothing in this section shall be construed to limit or otherwise affect the Commission's authority under section 201 of this title.

(June 19, 1934, ch. 652, title II, §251, as added Pub. L. 104-104, title I, §101(a), Feb. 8, 1996, 110 Stat. 61; amended Pub. L. 106-81, §3(a), Oct. 26, 1999, 113 Stat. 1287; Pub. L. 116-172, §3(a), Oct. 17, 2020, 134 Stat. 832.)

AMENDMENT OF SUBSECTION (e)(4)

Pub. L. 116-172, §3(a), (b), Oct. 17, 2020, 134 Stat. 832, 833, provided that, effective on the date that is 1 year after Oct. 17, 2020, subsection (e) of this section is amended by adding at the end the following new paragraph:

(4) Universal telephone number for national suicide prevention and mental health crisis hotline system

9-8-8 is designated as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Use under section 290bb-36c of title 42 and through the Veterans Crisis Line maintained by the Secretary of Veterans Affairs under section 1720F(h) of title 38.

See 2020 Amendment note below.

Editorial Notes

AMENDMENTS

2020—Subsec. (e)(4). Pub. L. 116-172 added par. (4).
1999—Subsec. (e)(3). Pub. L. 106-81 added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-172, §3(b), Oct. 17, 2020, 134 Stat. 833, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on the date that is 1 year after the date of enactment of this Act [Oct. 17, 2020]."

FINDINGS

Pub. L. 116-172, §2, Oct. 17, 2020, 134 Stat. 832, provided that: "Congress finds the following:

"(1) According to the American Foundation for Suicide Prevention, on average, there are 129 suicides per day in the United States.

"(2) To prevent future suicides, it is critical to transition the cumbersome, existing 10-digit National Suicide Hotline to a universal, easy-to-remember, 3-digit phone number and connect people in crisis with life-saving resources.

"(3) It is essential that people in the United States have access to a 3-digit national suicide hotline across all geographic locations.

"(4) The designated suicide hotline number will need to be both familiar and recognizable to all people in the United States."

§ 251a. State authority over fees

(a) Authority

(1) In general

Nothing in this Act, any amendment made by this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), or any Commission regulation or order may prevent the imposition and collection of a fee or charge applicable to a commercial mobile service or an IP-enabled voice service specifically designated by a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for 9-8-8 related services, if the fee or charge is held in a sequestered account to be obligated or expended only in support of 9-8-8 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge.

(2) Use of 9-8-8 funds

A fee or charge collected under this subsection shall only be imposed, collected, and used to pay expenses that a State, a political subdivision of a State, an Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is expected to incur that are reasonably attributed to—

(A) ensuring the efficient and effective routing of calls made to the 9-8-8 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

(B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 9-8-8 national suicide prevention and mental health crisis hotline.

(b) 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 9-8-8 services, not later than 2 years after October 17, 2020, and annually thereafter, the Commission shall submit 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 a report that—

(1) details the status in each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of the collection and distribution of such fees or charges; and

(2) includes findings on the amount of revenues obligated or expended by each State, political subdivision of a State, Indian Tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for any purpose other than the purpose for which any such fees or charges are specified.

(c) Definitions

In this section:

(1) Commercial mobile service

The term “commercial mobile service” has the meaning given that term under section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

(2) Commission

The term “Commission” means the Federal Communications Commission.

(3) IP-enabled voice service

The term “IP-enabled voice service” shall include—

(A) an interconnected VoIP service, as defined in section 9.3 of the¹ title 47 of the Code of Federal Regulations, or any successor thereto; and

(B) a one-way interconnected VoIP service.

(4) State

The term “State” has the meaning given that term in section 615b of this title.

(Pub. L. 116–172, § 4, Oct. 17, 2020, 134 Stat. 833.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 116–172, Oct. 17, 2020, 134 Stat. 832, known as the National Suicide Hotline Designation Act of 2020. For complete classification of this Act to the Code, see Short Title of 2020 Amendment note under section 609 of this title and Tables.

The Communications Act of 1934, referred to in subsec. (a)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subssecs. (a) and (b), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

CODIFICATIONSECTION WAS ENACTED AS PART OF THE NATIONAL SUICIDE HOTLINE DESIGNATION ACT OF 2020, AND NOT AS PART OF THE COMMUNICATIONS ACT OF 1934 WHICH COMPRISES THIS CHAPTER.

§ 252. Procedures for negotiation, arbitration, and approval of agreements**(a) Agreements arrived at through negotiation****(1) Voluntary negotiations**

Upon receiving a request for interconnection, services, or network elements pursuant to section 251 of this title, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251 of this title. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before February 8, 1996, shall be submitted to the State commission under subsection (e) of this section.

(2) Mediation

Any party negotiating an agreement under this section may, at any point in the negotia-

tion, ask a State commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

(b) Agreements arrived at through compulsory arbitration**(1) Arbitration**

During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

(2) Duty of petitioner

(A) A party that petitions a State commission under paragraph (1) shall, at the same time as it submits the petition, provide the State commission all relevant documentation concerning—

(i) the unresolved issues;

(ii) the position of each of the parties with respect to those issues; and

(iii) any other issue discussed and resolved by the parties.

(B) A party petitioning a State commission under paragraph (1) shall provide a copy of the petition and any documentation to the other party or parties not later than the day on which the State commission receives the petition.

(3) Opportunity to respond

A non-petitioning party to a negotiation under this section may respond to the other party’s petition and provide such additional information as it wishes within 25 days after the State commission receives the petition.

(4) Action by State commission

(A) The State commission shall limit its consideration of any petition under paragraph (1) (and any response thereto) to the issues set forth in the petition and in the response, if any, filed under paragraph (3).

(B) The State commission may require the petitioning party and the responding party to provide such information as may be necessary for the State commission to reach a decision on the unresolved issues. If any party refuses or fails unreasonably to respond on a timely basis to any reasonable request from the State commission, then the State commission may proceed on the basis of the best information available to it from whatever source derived.

(C) The State commission shall resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required to implement subsection (c) upon the parties to the agreement, and shall conclude the resolution of any unresolved issues not later than 9 months after the date on which the local exchange carrier received the request under this section.

(5) Refusal to negotiate

The refusal of any other party to the negotiation to participate further in the negotiations, to cooperate with the State commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the

¹ So in original.