

Editorial Notes**CODIFICATION**

Section was enacted as part of the Wireless Communications and Public Safety Act of 1999, and not as part of the Communications Act of 1934 which comprises this chapter.

AMENDMENTS

2008—Pub. L. 110-283, §201(a)(1), substituted “Service provider parity of protection” for “Parity of protection for provision or use of wireless service” in section catchline.

Subsec. (a). Pub. L. 110-283, §201(a)(2), substituted “wireless carrier, IP-enabled voice service provider, or other emergency communications provider, and their officers” for “wireless carrier, and its officers” and “emergency calls, emergency services, or other emergency communications services” for “emergency calls or emergency services”.

Subsec. (b). Pub. L. 110-283, §201(a)(3), substituted “using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall” for “using wireless 9-1-1 service shall” and “that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service” for “that is not wireless”.

Subsec. (c). Pub. L. 110-283, §201(a)(4), substituted “9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP” for “wireless 9-1-1 communications, a PSAP” and “that are not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service” for “that are not wireless”.

§ 615a-1. Duty to provide 9-1-1 and enhanced 9-1-1 service**(a) Duties**

It shall be the duty of each IP-enabled voice service provider to provide 9-1-1 service and enhanced 9-1-1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

(b) Parity for IP-enabled voice service providers

An IP-enabled voice service provider that seeks capabilities to provide 9-1-1 and enhanced 9-1-1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9-1-1 and enhanced 9-1-1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

(c) Regulations

The Commission—

(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (3) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9-1-1 and enhanced 9-1-1 service and access; and

(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

(d) Delegation of enforcement to State commissions

The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

(e) Implementation**(1) Limitation**

Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

(2) Enforcement

The Commission shall enforce this section as if this section was a part of the Communications Act of 1934 [47 U.S.C. 151 et seq.]. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

(f) State authority over fees**(1) Authority**

Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political sub-

division thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) [43 U.S.C. 1601 et seq.]¹ for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

(2) 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 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable.

(3) Acceptable obligations or expenditures

(A) Rules required

In order to prevent diversion of 9-1-1 fees or charges, the Commission shall, not later than 180 days after December 27, 2020, issue final rules designating purposes and functions for which the obligation or expenditure of 9-1-1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable.

(B) Purposes and functions

The purposes and functions designated under subparagraph (A) shall be limited to the support and implementation of 9-1-1 services provided by or in the State or taxing jurisdiction imposing the fee or charge and operational expenses of public safety answering points within such State or taxing jurisdiction. In designating such purposes and functions, the Commission shall consider the purposes and functions that States and taxing jurisdictions specify as the intended purposes and functions for the 9-1-1 fees or charges of such States and taxing jurisdictions, and determine whether such pur-

poses and functions directly support providing 9-1-1 services.

(C) Consultation required

The Commission shall consult with public safety organizations and States and taxing jurisdictions as part of any proceeding under this paragraph.

(D) Definitions

In this paragraph:

(i) 9-1-1 fee or charge

The term “9-1-1 fee or charge” means a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State or taxing jurisdiction for the support or implementation of 9-1-1 services.

(ii) 9-1-1 services

The term “9-1-1 services” has the meaning given such term in section 942(e) of this title.

(iii) State or taxing jurisdiction

The term “State or taxing jurisdiction” means a State, political subdivision thereof, 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.).

(4) Participation

If a State or taxing jurisdiction (as defined in paragraph (3)(D)) receives a grant under section 942 of this title after December 27, 2020, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required by paragraph (2).

(5) Petition regarding additional purposes and functions

(A) In general

A State or taxing jurisdiction (as defined in paragraph (3)(D)) may submit to the Commission a petition for a determination that an obligation or expenditure of a 9-1-1 fee or charge (as defined in such paragraph) by such State or taxing jurisdiction for a purpose or function other than a purpose or function designated under paragraph (3)(A) should be treated as such a purpose or function. If the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to make the demonstration described in subparagraph (B), the Commission shall grant such petition.

(B) Demonstration described

The demonstration described in this subparagraph is a demonstration that the purpose or function—

- (i) supports public safety answering point functions or operations; or
- (ii) has a direct impact on the ability of a public safety answering point to—
 - (I) receive or respond to 9-1-1 calls; or
 - (II) dispatch emergency responders.

(g) Availability of PSAP information

The Commission may compile a list of public safety answering point contact information,

¹ So in original. A comma probably should appear.

contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9-1-1 and enhanced 9-1-1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

(h) Development of standards

The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

- (1) defining geographic coverage areas for public safety answering points;
- (2) defining network diversity requirements for delivery of IP-enabled 9-1-1 and enhanced 9-1-1 calls;
- (3) call-handling in the event of call overflow or network outages;
- (4) public safety answering point certification and testing requirements;
- (5) validation procedures for inputting and updating location information in relevant databases; and
- (6) the format for delivering address information to public safety answering points.

(i) Rule of construction

Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9-1-1 or enhanced 9-1-1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008.

(j) Severability clause

If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

(Pub. L. 106-81, § 6, as added Pub. L. 110-283, title I, § 101(2), July 23, 2008, 122 Stat. 2620; amended Pub. L. 110-368, § 1(a), Oct. 8, 2008, 122 Stat. 4027; Pub. L. 116-260, div. FF, title IX, § 902(c), Dec. 27, 2020, 134 Stat. 3206.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, referred to in subsecs. (a), (c)(1), (f)(2), and (i), is the date of enactment of Pub. L. 110-283, which was approved July 23, 2008.

The New and Emerging Technologies 911 Improvement Act of 2008 and such Act, referred to in subsecs. (c)(1), (f)(1), and (i), is Pub. L. 110-283, July 23, 2008, 122 Stat. 2620, also known as the NET 911 Improvement Act of 2008, which enacted this section and amended sec-

tions 222, 615a, 615b, and 942 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 609 of this title and Tables.

The Communications Act of 1934, referred to in subsecs. (e)(2) and (f)(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.

This Act, referred to in subsec. (f)(1), is Pub. L. 106-81, Oct. 26, 1999, 113 Stat. 1286, known as the Wireless Communications and Public Safety Act of 1999, which enacted sections 615 to 615b of this title, amended sections 222 and 251 of this title, and enacted provisions set out as notes under sections 609 and 615 of this title. For complete classification of this Act to the Code, see Short Title of 1999 Amendments note set out under section 609 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (f)(1), (3)(D)(iii), 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.

CODIFICATION

Section was enacted as part of the Wireless Communications and Public Safety Act of 1999, and not as part of the Communications Act of 1934 which comprises this chapter.

PRIOR PROVISIONS

A prior section 6 of Pub. L. 106-81 was renumbered section 7 and is classified to section 615b of this title.

AMENDMENTS

2020—Subsec. (f)(1). Pub. L. 116-260, § 902(c)(1)(A), substituted “consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable” for “as specified in the provision of State or local law adopting the fee or charge”.

Subsec. (f)(2). Pub. L. 116-260, § 902(c)(1)(B), substituted “any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable” for “any purpose other than the purpose for which any such fees or charges are specified”.

Subsec. (f)(3) to (5). Pub. L. 116-260, § 902(c)(1)(C), added pars. (3) to (5).

Subsec. (j). Pub. L. 116-260, § 902(c)(2), added subsec. (j).

2008—Subsec. (c)(1)(C). Pub. L. 110-368 substituted “paragraph (3)” for “paragraph (2)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-368, § 1(b), Oct. 8, 2008, 122 Stat. 4027, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as of July 23, 2008, immediately after the enactment of the NET 911 Improvement Act of 2008 (Public Law 110-283) [approved July 23, 2008].”

RULE OF CONSTRUCTION

Pub. L. 116-260, div. FF, title IX, § 902(e), Dec. 27, 2020, 134 Stat. 3209, provided that: “Nothing in this Act [probably means “this section”, amending this section, repealing section 1413 of this title and enacting provisions set out as notes under this section and section 609 of this title], the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81) [see Short Title of 1999 Amendments note set out under section 609 of

this title], or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to prevent a State or taxing jurisdiction from requiring an annual audit of the books and records of a provider of 9–1–1 services concerning the collection and remittance of a 9–1–1 fee or charge.”

PROHIBITION ON 9–1–1 FEE OR CHARGE DIVERSION

Pub. L. 116–260, div. FF, title IX, §902(d), Dec. 27, 2020, 134 Stat. 3208, provided that:

“(1) IN GENERAL.—If the Commission obtains evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, the Commission shall submit such information, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction, to the interagency strike force established under paragraph (3).

“(2) REPORT TO CONGRESS.—Beginning with the first report under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) that is required to be submitted after the date that is 1 year after the date of the enactment of this Act [Dec. 27, 2020], the Commission shall include in each report required under such section all evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including any information regarding the impact of any underfunding of 9–1–1 services in the State or taxing jurisdiction.

“(3) INTERAGENCY STRIKE FORCE TO END 9–1–1 FEE OR CHARGE DIVERSION.—

“(A) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall establish an interagency strike force to study how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges. Such interagency strike force shall be known as the ‘Ending 9–1–1 Fee Diversion Now Strike Force’ (in this subsection referred to as the ‘Strike Force’).

“(B) DUTIES.—In carrying out the study under subparagraph (A), the Strike Force shall—

“(i) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges;

“(ii) consider whether criminal penalties would further prevent diversion by a State or taxing jurisdiction of 9–1–1 fees or charges; and

“(iii) determine the impacts of diversion by a State or taxing jurisdiction of 9–1–1 fees or charges.

“(C) MEMBERS.—The Strike Force shall be composed of such representatives of Federal departments and agencies as the Commission considers appropriate, in addition to—

“(i) State attorneys general;

“(ii) States or taxing jurisdictions found not to be engaging in diversion of 9–1–1 fees or charges;

“(iii) States or taxing jurisdictions trying to stop the diversion of 9–1–1 fees or charges;

“(iv) State 9–1–1 administrators;

“(v) public safety organizations;

“(vi) groups representing the public and consumers; and

“(vii) groups representing public safety answering point professionals.

“(D) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Strike Force shall publish on the website of the Commission and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under this paragraph, including—

“(i) any recommendations regarding how to most expeditiously end the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, including actions that can be taken by Federal departments and agencies and appropriate changes to law or regulations; and

“(ii) a description of what progress, if any, relevant Federal departments and agencies have made in implementing the recommendations under clause (i).

“(4) FAILURE TO COMPLY.—Notwithstanding any other provision of law, any State or taxing jurisdiction identified by the Commission in the report required under section 6(f)(2) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging in diversion of 9–1–1 fees or charges shall be ineligible to participate or send a representative to serve on any committee, panel, or council established under section 6205(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1425(a)) or any advisory committee established by the Commission.”

DEFINITIONS

Pub. L. 116–260, div. FF, title IX, §902(f), Dec. 27, 2020, 134 Stat. 3209, provided that: “In this Act [probably means “this section”], amending this section, repealing section 1413 of this title and enacting provisions set out as notes under this section and section 609 of this title]:

“(1) 9–1–1 FEE OR CHARGE.—The term ‘9–1–1 fee or charge’ has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999 [47 U.S.C. 615a–1(f)(3)(D)], as added by this Act.

“(2) 9–1–1 SERVICES.—The term ‘9–1–1 services’ has the meaning given such term in section 158(e) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)).

“(3) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

“(4) DIVERSION.—The term ‘diversion’ means, with respect to a 9–1–1 fee or charge, the obligation or expenditure of such fee or charge for a purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act, as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable.

“(5) STATE OR TAXING JURISDICTION.—The term ‘State or taxing jurisdiction’ has the meaning given such term in subparagraph (D) of paragraph (3) of section 6(f) of the Wireless Communications and Public Safety Act of 1999, as added by this Act.”

§ 615b. Definitions

As used in this Act:

(1) Secretary

The term “Secretary” means the Secretary of Transportation.

(2) State

The term “State” means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) Public safety answering point; PSAP

The term “public safety answering point” or “PSAP” means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) Wireless carrier

The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) Enhanced wireless 9–1–1 service

The term “enhanced wireless 9–1–1 service” means any enhanced 9–1–1 service so designated by the Federal Communications Com-