

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-

mission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems” (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) Wireless 9–1–1 service

The term “wireless 9–1–1 service” means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) Emergency dispatch providers

The term “emergency dispatch providers” shall include governmental and nongovernmental providers of emergency dispatch services.

(8)¹ IP-enabled voice service

The term “IP-enabled voice service” has the meaning given the term “interconnected VoIP service” by section 9.3 of the Federal Communications Commission’s regulations (47 CFR 9.3).

(8)¹ Other emergency communications service

The term “other emergency communications service” means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9–1–1 service.

(9) Other emergency communications service provider

The term “other emergency communications service provider” means—

(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 [47 U.S.C. 151 et seq.] to provide other emergency communications services; or

(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9–1–1 service governing authority to provide other emergency communications services.

(10) Enhanced 9–1–1 service

The term “enhanced 9–1–1 service” means the delivery of 9–1–1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission’s regulations (47 C.F.R. 9.3) as of July 23, 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9–1–1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04–36 and 05–196, or any successor proceeding.

(Pub. L. 106–81, § 7, formerly § 6, Oct. 26, 1999, 113 Stat. 1289; renumbered § 7 and amended Pub. L. 110–283, title I, § 101(1), (3), title II, § 201(b), July 23, 2008, 122 Stat. 2620, 2623, 2624.)

¹ So in original. Two pars. (8) have been enacted.

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, 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 Communications Act of 1934, referred to in par. (9)(A), 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.

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—Par. (8). Pub. L. 110–283, § 201(b), added par. (8) defining “other emergency communications service”.

Pub. L. 110–283, § 101(3), added par. (8) defining “IP-enabled voice service”.

Pars. (9), (10). Pub. L. 110–283, § 201(b), added pars. (9) and (10).

§ 615c. Emergency Access Advisory Committee

(a) Establishment

For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after October 8, 2010, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) Membership

As soon as practicable after October 8, 2010, the Chairman of the Commission shall appoint the members of the Advisory Committee, ensuring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) State and local government and emergency responder representatives

Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) Subject matter experts

Individuals who have the technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;