

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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December 19, 2019

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone:

According to the Federal Communications Commission's (FCC) Eleventh Annual Report to Congress, five states diverted over \$197,000,000 in 9-1-1 fees for unrelated purposes, raising questions about how this practice impacts public safety.¹ Our first responders and public safety professionals deserve better, and we urge you to bring legislation before the Committee expeditiously to end all diversion of 9-1-1 fees.

The New and Emerging Technologies 9-1-1 Improvement Act of 2008 (NET 911 Act) requires the FCC to submit annual reports to Congress detailing the collection and distribution of 9-1-1 fees by state.² Each state imposes a surcharge on cell phone bills to fund the implementation of wireless Enhanced 9-1-1 (E911) and reports to the FCC how these funds are spent.³ Since 2009, 21 states and one territory have reported diverting 9-1-1 funds for other purposes.⁴ Moreover, ten states, six territories, and the District of Columbia failed to report expenditure information at least once, raising concerns that 9-1-1 fee diversion may be more prevalent than the FCC's reports indicate.⁵ Currently, states are not required to report information about 9-1-1 expenses to the FCC, including how much money, if any, is diverted, and last year was the first year in which all 50 states and six reporting jurisdictions responded to

¹ See, Federal Communications Commission Report, *Eleventh Annual Report to Congress, On State Collection and Distribution of 911 and Enhanced 911 Fees and Charges*, Dec. 19, 2019. Available at: <https://www.fcc.gov/file/17696/download>

² *Id.*

³ *Id.*

⁴ See Remarks by Hon. Michael O'Rielly, FCC Commissioner, Rhode Island E911 Summit, Mar. 19, 2018. Available at: https://apps.fcc.gov/edocs_public/attachmatch/DOC-349797A1.pdf

⁵ *Id.*

the Commission's questionnaire.⁶ This is concerning as some states diverted a significant portion of 9-1-1 fees for other purposes, yet the scope of the problem is not truly understood.

The amount of 9-1-1 funds that have been diverted for nearly a decade is troubling. Since 2009, over \$1 billion of 9-1-1 funds have been diverted by states and territories for purposes other than for supporting 9-1-1 services.⁷ During 2017 alone, six states and one territory diverted almost \$285 million dollars for other purposes.⁸ While this issue persists, some progress has been made, including two states correcting filing errors from the last reporting period showing they are not diverters, and other states committing to end the practice of diverting.⁹

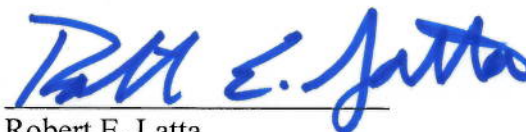
When critical moments occur, all Americans rely on 9-1-1 to provide emergency services. Diverting 9-1-1 fees may result in understaffed calling centers, training issues, longer wait times during an emergency, and may inhibit the ability of 9-1-1 call centers to support digital age technologies. Governments diverting funds for other purposes undermines public confidence and the overall integrity of the 9-1-1 system. This comes at a time when, unfortunately, the 9-1-1 system is relied upon more frequently for terrorist-related activities and natural weather events like hurricanes, tornadoes, and wildfires. Accordingly, Congress should evaluate the appropriate remedies to hold those accountable who routinely flout the law.

It is unconscionable that some states continue diverting fees for non-9-1-1 purposes, and we urge you to work with us and our Republican colleagues to end diversion immediately. Thank you for your attention to this matter.

Sincerely,



Greg Walden
Republican Leader
Committee on Energy and Commerce



Robert E. Latta
Republican Leader
Subcommittee on Communications and
Technology

⁶ See, Federal Communications Commission Report, *Tenth Annual Report to Congress, On State Collection and Distribution of 911 and Enhanced 911 Fees and Charges*, Dec. 17, 2018. Available at: <https://www.fcc.gov/files/10thannual911feereporttocongresspdf>

⁷ See, Letter from Hon. John Shimkus, Member of Congress, to Hon. David Redl, Asst. Sectary for Communications and Information and NTIA Admin., NTIA, Dec. 15, 2017. Available at: <https://www.documentcloud.org/documents/4334659-NTIA-Letter.html>

⁸ *Supra*, Note 6.

⁹ *Id.*