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March 25, 2024

The Honorable Maria Cantwell
Chair
The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Cathy McMorris Rodgers
Chair
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

Subject: *Federal Communications Commission: Location-Based Routing for Wireless 911 Calls*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (FCC) entitled "Location-Based Routing for Wireless 911 Calls" (FCC 24-4). We received the rule on February 12, 2024. It was published in the *Federal Register* as a final rule on March 13, 2024. 89 Fed. Reg. 18488. The effective date is May 13, 2024.

The final rule, according to FCC, is a summary of FCC's Report and Order in PS Docket No. 18-64, FCC 24-4 (Report and Order). FCC explained that the Report and Order adopted rules to more precisely route wireless 911 calls and Real-Time Texts (RTT) to Public Safety Answering Points (PSAPs), which can result in faster response times during emergencies. FCC stated that the Report and Order requires wireless providers to deploy technology that supports location-based routing, a method that relies on precise information about the location of the wireless caller's device, on their internet protocol-based networks and to use location-based routing to route 911 voice calls and RTT communications to 911 originating on those networks when caller location is accurate and timely. Also, FCC stated the Report and Order provides six months for nationwide wireless providers to implement location-based routing for wireless 911 voice calls and provides 24 months for non-nationwide wireless providers to implement location-based routing of wireless 911 voice calls. The Report and Order, according to FCC, provides 24 months for all wireless providers to implement location-based routing for RTT communications to 911.

Enclosed is our assessment of FCC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to

the subject matter of the rule, please contact Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and 'J'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: David L. Furth
Deputy Bureau Chief
Public Safety and Homeland Security Bureau
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
“LOCATION-BASED ROUTING FOR WIRELESS 911 CALLS”
(FCC 24-4)

(i) Cost-benefit analysis

The Federal Communications Commission (FCC) estimated that the upper bounds of the costs that Commercial Mobile Radio Service providers will bear will be material costs of \$143.7 million; network implementation costs of \$71.1 million; geographic information system costs of \$134,000; and certification costs of \$280,000. Altogether, FCC stated the upper bound of costs is approximately \$215 million. FCC also stated that this cost is outweighed by the benefits of over \$173 billion in terms of reduced mortality and call transfer time eliminated.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

The final rule included a Final Regulatory Flexibility Analysis (FRFA). FCC’s FRFA included a discussion of the need for, and objectives of, the final rule; a summary of significant issues raised by public comments in response to the Initial Regulatory Flexibility Analysis; a response to comments by the Chief Counsel for Advocacy of the Small Business Administration; and a description and estimate of the number of small entities to which the rule will apply.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

As an independent regulatory agency, FCC is not subject to the Act.

(iv) Agency actions relevant to the Administrative Pay-As-You-Go-Act of 2023, Pub. L. No. 118-5, div. B, title III, 137 Stat 31 (June 3, 2023)

Section 270 of the Administrative Pay-As-You-Go-Act of 2023 amended 5 U.S.C. § 801(a)(2)(A) to require GAO to assess agency compliance with the Act, which establishes requirements for administrative actions that affect direct spending, in GAO’s major rule reports. In guidance to Executive Branch agencies, issued on September 1, 2023, the Office of Management and Budget (OMB) instructed that agencies should include a statement explaining that either: “the Act does not apply to this rule because it does not increase direct spending; the Act does not apply to this rule because it meets one of the Act’s exemptions (and specifying the relevant exemption); the OMB Director granted a waiver of the Act’s requirements pursuant to section 265(a)(1) or (2) of the Act; or the agency has submitted a notice or written opinion to the OMB Director as required by section 263(a) or (b) of the Act” in their submissions of rules to GAO under the Congressional Review Act. OMB, *Memorandum for the Heads of Executive Departments and Agencies*, Subject: Guidance for Implementation of the Administrative Pay-As-You-Go Act of 2023, M-23-21 (Sept. 1, 2023), at 11–12. OMB also states that directives in the memorandum that supplement the requirements in the Act do not apply to

proposed rules that have already been submitted to the Office of Information and Regulatory Affairs, however agencies must comply with any applicable requirements of the Act before finalizing such rules.

As an independent regulatory agency, FCC is not subject to the Act.

(v) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On January 17, 2023, FCC released a notice of proposed rulemaking. 88 Fed. Reg. 2565. FCC discussed and responded to comments in this final rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

FCC stated that this final rule contains new information collection requirements subject to PRA. FCC stated the information collection requirements will be submitted to OMB for review under PRA. FCC further stated that the rule does not contain any periodic reporting requirements, and that the one-time certification and live call data reporting requirement adopted will be sufficient for providers to demonstrate location-based routing implementation. Also, FCC stated that this limited data collection best balances the need for transparency on compliance with the limited ability of some providers, particularly small entities, to respond to mandatory data collections. Lastly, FCC stated the adopted certification requirement will also help provide important privacy and security protections, which greatly outweigh any minor burden that this requirement might impose on small or other entities.

Statutory authorization for the rule

FCC promulgated this final rule pursuant to sections 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a-1, 616, 620, 621, 623, 623 note, 721, and 1471 of title 47, United States Code, and Public Law 116-260.

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, FCC is not subject to the Order.

Executive Order No. 13132 (Federalism)

As an independent regulatory agency, FCC is not subject to the Order.