



Second Annual 988 Fee Accountability Report – National Suicide Hotline Designation Act of 2020

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Wireline Competition Bureau**

**Submitted to the:
Senate Committees on Commerce, Science, and Transportation, and Appropriations
House of Representatives Committees on Energy and Commerce and Appropriations**

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I. INTRODUCTION

1. This report is submitted by the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) to Congress pursuant to the National Suicide Hotline Designation Act of 2020 (988 Act).¹ The 988 Suicide & Crisis Lifeline (988 Lifeline or Lifeline) is a 24/7 hotline that can be accessed by dialing 9-8-8 or by directly dialing a toll free number (1-800-273-TALK). This is the second annual report on the collection and distribution of 988 fees and charges to implement and support the Lifeline by the states, the District of Columbia, U.S. territories, and Tribal authorities, and covers the period of January 1, 2022 to December 31, 2022.²

2. Suicide and mental health challenges are serious concerns that profoundly impact many people living in the United States. According to the Centers for Disease Control and Prevention (CDC), suicide was a leading cause of death in the United States in 2021, resulting in over 48,000 deaths.³ The National Institute of Mental Health also estimated that one in five U.S. adults experienced mental illness that ranged in severity in 2021.⁴

3. Suicide also disproportionately impacts various at-risk groups, including American Indians and Alaska Natives, youth, the LGBTQ+ community, veterans, people with disabilities, and people who live in rural areas. Between 2015 and 2020, suicide rates among American Indians and Alaska Natives surpassed all other racial and ethnic groups when compared to the general U.S. population.⁵ The CDC reported that, between 2018 and 2021, the suicide rates among non-Hispanic American Indians and Alaska Natives increased by approximately 26%, and increased by approximately 19% among non-Hispanic black people, while the suicide rates among non-Hispanic white people

¹ National Suicide Hotline Designation Act of 2020, Pub. L. No. 116-172, § 4, 134 Stat. 832, 833 (2020), <https://www.congress.gov/116/plaws/publ172/PLAW-116publ172.pdf> (988 Act).

² The period of January 1, 2022 to December 31, 2022 is hereinafter referred to as calendar year 2022.

³ See Centers for Disease Control and Prevention, *Suicide Data and Statistics* (Aug. 10, 2023), <https://www.cdc.gov/suicide/suicide-data-statistics.html>. According to the CDC, provisional data from 2022 also shows that deaths from suicide increased by 2.6% between 2021 to 2022. *Id.*

⁴ See National Institute of Mental Health, *Mental Illness* (Mar. 2023), <https://www.nimh.nih.gov/health/statistics/mental-illness>.

⁵ Deborah Stone et al., *Suicides Among American Indian or Alaska Native Persons—National Violent Death Reporting System, United States, 2015-2020*, 71 Ctrs. for Disease Control and Prevention Morbidity and Mortality Wkly. Rep. 1161 (Sept. 16, 2022), <https://www.cdc.gov/mmwr/volumes/71/wr/pdfs/mm7137a1-H.pdf> (noting that suicide rates among non-Hispanic American Indian or Alaska Native persons increased nearly 20% from 2015 to 2020, compared with a less than 1% increase among the overall U.S. population).

declined by 3.9%.⁶ In addition, a recent national survey found that suicidal thoughts among LGBTQ youth trended upward from 2019 to 2022, and 45% of LGBTQ youth reported seriously considering attempting suicide in the year prior to 2022.⁷ In 2022, the U.S. Department of Veterans Affairs reported that, after adjusting for age and sex-related variables, the suicide rates among veterans exceeded those of non-veteran U.S. adults in each year from 2001 through 2021.⁸ There is also a growing concern about the increasing rates of suicide among women veterans.⁹ Moreover, a 2021 national survey suggested that adults with disabilities were three times more likely to report having suicidal ideation in the past month than people without disabilities in the general U.S. population.¹⁰ Suicide rates are also higher in rural, less densely populated areas.¹¹

4. The 988 Lifeline is now a vital component of the nationwide response to the ongoing mental health crisis in the United States that helps ensure people in distress have access to the critical lifesaving suicide prevention and mental health intervention services that they need. According to the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA), the 988 Lifeline has received more than 5.5 million calls, texts, and chats from people in distress since the nationwide transition to 988 in July 2022.¹² This second annual 988 fee accountability report provides a review of the efforts that the states, the District of Columbia, major U.S. territories, and Tribal entities may have made in collecting and distributing fees to implement and support this lifesaving resource.

II. BACKGROUND

5. In August 2018, Congress took action to address the ongoing mental health crisis in United States by enacting the National Suicide Hotline Improvement Act of 2018.¹³ As directed by Congress in that Act, the Commission coordinated with the SAMHSA and the U.S. Department of

⁶ Centers for Disease Control and Prevention, *Disparities in Suicide* (May 9, 2023), <https://www.cdc.gov/suicide/facts/disparities-in-suicide.html>.

⁷ The Trevor Project, 2022 National Survey on LGBTQ Youth Mental Health at 3-4 (2022), https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf.

⁸ U.S. Dept. of Veterans Affairs, Veterans Health Administration, Office of Mental Health and Suicide Prevention, 2022 National Veteran Suicide Prevention Annual Report at 5 (2022), <https://www.mentalhealth.va.gov/docs/data-sheets/2022/2022-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-508.pdf>.

⁹ See Lindsey L. Monteith et al., *Preventing Suicide Among Women Veterans: Gender-Sensitive, Trauma-Informed Conceptualization*, 9 *Curr Treat Options in Psychiatry* 187 (June 15, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9198614/>.

¹⁰ Mark É. Czeisler et al., *Mental Health and Substance Use Among Adults with Disabilities During the COVID-19 Pandemic — United States, February–March 2021*, 70 *Ctrs. for Disease Control and Prevention Morbidity and Mortality Wkly. Rpt.* 1142 (Aug. 27, 2021), <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7034a3-H.pdf>.

¹¹ See Centers for Disease Control and Prevention, *Disparities in Suicide*, (May 9, 2023) <https://www.cdc.gov/suicide/facts/disparities-in-suicide.html> (noting that 2021 suicide rates based on population density ranged from 11.6 per 100,000 in large central metropolitan areas to 21.7 per 100,000 in noncore (non-metro areas); see also Letter from Brandon E. Presley, Commissioner, Northern District, Miss. Public Service Commission, to Hon. Ajit Pai, Chairman, FCC, WC Docket No. 18-336, at 1 (Feb. 26, 2020) (expressing concern about how the suicide rates are affecting the health and welfare of rural communities throughout Mississippi and across the nation).

¹² See SAMHSA Substance Abuse and Mental Health Services Administration, *988 Suicide & Crisis Lifeline Adds American Sign Language Services for Deaf and Hard of Hearing Callers* (Sept. 8, 2023), <https://www.samhsa.gov/newsroom/press-announcements/20230908/988-suicide-crisis-lifeline-adds-american-sign-language-services-deaf-hard-of-hearing-callers>.

¹³ National Suicide Hotline Improvement Act of 2018, Pub. L. No. 115-233, 132 Stat. 2424 (2018) (National Suicide Hotline Improvement Act).

Veterans Affairs to study the feasibility of designating a simple, easy-to-remember dialing code for a nationwide suicide prevention and mental health crisis hotline system.¹⁴ On July 16, 2020, less than one year after submitting a report to Congress detailing its findings, the Commission adopted rules designating 988 as the nationwide 3-digit number for the 988 Lifeline.¹⁵

6. On October 17, 2020, Congress enacted the 988 Act, amending section 251(e) of the Communications Act of 1934 to designate 988 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 [Lifeline]”¹⁶ Thereafter, in November 2021, the Commission adopted rules requiring covered text providers to route all covered 988 text messages to the 988 Lifeline’s toll free access number (1-800-273-8255) by July 16, 2022.¹⁷

7. The 988 Lifeline consists of a national network of approximately 200 crisis call centers that provide immediate and confidential support for individuals in emotional distress or suicidal crisis at all hours of the day, every day of the week.¹⁸ SAMHSA oversees and partially funds the 988 Lifeline, and it is currently administered by Vibrant Emotional Health.¹⁹ The Lifeline provides call, text, and chat services in English and Spanish.²⁰ Callers may reach the Spanish language line by pressing “2” after calling the 988 Lifeline, and interpreter services are also available to callers for more than 240 additional languages.²¹ The 988 Lifeline also offers specialized services for LGBTQ+ youth and young adult callers, which can be accessed by pressing “3” after calling 988.²² Most recently, in September 2023, the U.S. Department of Health and Human Services announced the addition of nationwide American Sign Language (ASL) services to the 988 Lifeline.²³ Callers can connect to counselors in ASL by calling the

¹⁴ *Id.* § 3(a).

¹⁵ 47 CFR § 52.200; *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Report and Order, 35 FCC Rcd 7373, 7375-76, para. 4 (2020) (*988 Report and Order*).

¹⁶ See 988 Act § 3 (amending Section 251(e) of the Communications Act of 1934 by adding subsection (e)(4)).

¹⁷ *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Second Report and Order, 36 FCC Rcd 16901, 16921-25, paras. 34-40 (2021) (*Text-to-988 Second Report and Order*); see also 47 CFR § 52.201(a). In June 2023, the Bureau issued a public notice announcing that the 988 Lifeline will continue to receive and respond to short message service (SMS) messages and that no new texting formats had been implemented or requested. *Wireline Competition Bureau Confirms No New Texting Formats For Text-to-988*, WC Docket No. 18-336, Public Notice, DA 23-496 (WCB June 9, 2023).

¹⁸ SAMHSA Substance Abuse and Mental Health Services Administration, *Our Crisis Centers*, <https://988lifeline.org/our-crisis-centers/> (last visited Sept. 26, 2023).

¹⁹ SAMHSA Substance Abuse and Mental Health Services Administration, *988 Frequently Asked Questions*, <https://www.samhsa.gov/find-help/988/faqs> (last visited Sept. 26, 2023).

²⁰ See SAMHSA Substance Abuse and Mental Health Services Administration, *988 Suicide & Crisis Lifeline Adds Spanish Text and Chat Service Ahead of One-Year Anniversary* (July 13, 2023), <https://www.samhsa.gov/newsroom/press-announcements/20230713/988-suicide-crisis-lifeline-adds-spanish-text-chat-service-ahead-one-year-anniversary>.

²¹ *Id.*

²² See SAMHSA Substance Abuse and Mental Health Services Administration, *988 Lifeline’s First Year: A Network of Hope* (July 13, 2023), <https://www.samhsa.gov/sites/default/files/988-one-year-anniversary-fact-sheet.pdf>.

²³ See SAMHSA Substance Abuse and Mental Health Services Administration, *988 Suicide & Crisis Lifeline Adds American Sign Language Services for Deaf and Hard of Hearing Callers* (Sept. 8, 2023), <https://www.samhsa.gov/newsroom/press-announcements/20230908/988-suicide-crisis-lifeline-adds-american-sign-language-services-deaf-hard-of-hearing-callers>.

988 Lifeline’s toll free access number (1-800-273-8255) from their videophones, or by selecting the “ASL Now” option on the Lifeline’s website, www.988lifeline.org.²⁴

8. *Veterans Crisis Line.* The Veterans Crisis Line is operated by the Department of Veterans Affairs, and provides access to immediate support for veterans, service members, and their families who are experiencing emotional distress, suicidal thoughts, or other mental health challenges.²⁵ Veterans and service members may connect to the Veterans Crisis Line by pressing “1” after dialing 988, texting the short code: 838255, or through an online chat portal by visiting www.veteranscrisisline.net.²⁶

9. *Commission Action to Improve Access to the 988 Lifeline.* The Commission continues to take action to ensure that the public has meaningful and reliable access to the 988 Lifeline. In May 2022, the Bureau granted a waiver of the Commission’s rules to the extent necessary to allow covered text providers to route text messages to the 988 Lifeline without translation to the toll free access number, which helped ensure that return text messages from the 988 Lifeline appeared on user devices as coming from 988 rather than the more unfamiliar toll free access number.²⁷ In July 2023, the Commission also took action to promote more reliable access to the 988 Lifeline by adopting rules to ensure that the Commission and those who provide life-saving 988 crisis intervention services receive timely and actionable information about service outages.²⁸

10. *The 988 Act.* The 988 Act provides that “[n]othing in [the] Act . . . or any Commission regulation or order may prevent the imposition and collection of a fee or charge” 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.)” (states and other reporting entities) from wireless and IP-enabled voice service providers to support 988 operations.²⁹ These fees may only be imposed, collected, and used to pay incurred expenses that are reasonably attributable to: (1) the efficient and effective routing of calls made to 988 to an appropriate crisis center; and (2) personnel and the provision of acute mental health, crisis outreach, and stabilization services directly responding to individuals contacting the Lifeline.³⁰

11. Section 4(b) of the 988 Act requires the Commission to submit a report 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 that: (1) details the status of the collection and distribution of 988 fees or charges in the states and other reporting entities; and (2) includes findings on the amount of revenues obligated or expended by the states

²⁴ SAMHSA Substance Abuse and Mental Health Services Administration, 988 Suicide & Crisis Lifeline, *Deaf, Hard of Hearing, Hearing Loss*, <https://988lifeline.org/help-yourself/for-deaf-hard-of-hearing/> (last visited Sept. 26, 2023).

²⁵ U.S. Dept. of Veterans Affairs, *Veterans Crisis Line*, <https://www.veteranscrisisline.net/> (last visited Sept. 26, 2023).

²⁶ *Id.*

²⁷ *Implementation of the National Suicide Hotline Improvement Act of 2018*, WC Docket No. 18-336, Order, DA 22-519 (WCB May 11, 2022). The Commission also hosted a forum in May 2022 on the challenges and opportunities related to the use of geolocation information for the 988 Lifeline, in coordination with the U.S. Department of Health and Human Services and the U.S. Department of Veterans Affairs. See FCC, Forum on Geolocation for 988 (May 24, 2022), <https://www.fcc.gov/news-events/events/2022/05/forum-geolocation-988>.

²⁸ *Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018*, PS Docket Nos. 23-5 and 15-80, WC Docket No. 18-336, Report and Order, FCC 23-57 (adopted July 20, 2023) (*988 Outage Order*).

²⁹ 988 Act § 4(a)(1).

³⁰ *Id.* § 4(a)(2).

and other reporting entities for any purpose other than the purpose for which any such fees or charges are specified.³¹

12. *First Annual 988 Fee Accountability Report.* On October 14, 2022, the Commission submitted its first report to Congress on the collection and distribution of 988 fees and charges, covering the annual period of January 1, 2021 to December 31, 2021.³² The first report found that two states, Washington and Virginia, had established a fee-based funding mechanism and collected 988 fees or charges for the purpose of 988 support or implementation during calendar year 2021.³³ In addition, the first report found that Washington and Virginia had not diverted 988 funds for non-988 purposes within the meaning of the 988 Act during that time period.³⁴

13. *Information Collection.* In order to collect the data necessary to compile this annual fee report, the Commission received authorization from the Office of Management and Budget (OMB) to solicit information from states, the District of Columbia, U.S. territories, and Tribal entities regarding the collection and use of 988 funding in their jurisdictions.³⁵ In April 2023, the Bureau issued a public notice announcing the information collection for calendar year 2022,³⁶ and performed outreach to the governors and mental health authorities for each state, the District of Columbia, and major U.S. territories to gather information through a questionnaire. For this year's information collection, the Bureau coordinated with the Commission's Office of Native Affairs and Policy to perform outreach to Tribal leaders. The Office of Native Affairs and Policy distributed the questionnaire to Native Federal Officials and requested information on the collection and expenditure of 988 fees in their jurisdictions, and provided the names of contacts at the Commission who could help them complete the questionnaire. The Commission also hosted a webinar tailored for Tribal entities about the annual 988 fee accountability report.³⁷

14. The questionnaire for this annual fee report sought information on each jurisdiction's authority to collect and distribute 988 fees or charges, the amount of revenue collected from any authorized 988 fees or charges, and the use of any revenue collected from the 988 fees or charges, covering the period of January 1, 2022 to December 31, 2022. The questionnaire also asked each jurisdiction to confirm whether collected 988 fees or charges were used solely for 988 purposes, and requested information on what uses the jurisdiction considered permissible, and how such uses support 988.

³¹ *Id.* § 4(b). Pursuant to the 988 Act, the Bureau submitted its first annual 988 fee accountability report not later than two years after the date of enactment of the 988 Act, and will continue to submit reports annually “[t]o ensure efficiency, transparency, and accountability in the collection and expenditure” of any fees or charges to support or implement 988 services. *Id.*

³² Wireline Competition Bureau, 988 Fee Accountability Report – National Suicide Hotline Designation Act of 2020 (Oct. 14, 2022), <https://docs.fcc.gov/public/attachments/DOC-388659A1.pdf> (*First Annual 988 Fee Accountability Report*).

³³ *Id.* at 5-6.

³⁴ *Id.* at 8-9.

³⁵ See Office of Management and Budget (OMB), OMB Control Number 3060-1301 (Mar. 28, 2022); see also OMB, Notice of OMB Action, OMB Control No. 3060-1301 (Apr. 7, 2023), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202304-3060-002.

³⁶ *Wireline Competition Bureau Seeks Information for the Annual Information Collection on 988 Funds Mandated by the National Suicide Hotline Designation Act of 2020*, WC Docket No. 18-336, Public Notice, DA 23-318 (WCB Apr. 12, 2023).

³⁷ FCC, Tribal Webinar on the 988 Fee Accountability Report (Apr. 27, 2023), <https://www.fcc.gov/news-events/events/2023/04/fcc-tribal-webinar-988-fee-accountability-report>. The webinar was recorded and has been viewed over 1,500 times since April 27, 2023.

III. DISCUSSION

15. This is the second annual report on the collection and distribution of 988 fees. The Bureau received responses to its inquiries regarding the status of 988 fees or charges from all states, the District of Columbia, U.S. territories,³⁸ and five Tribal entities.³⁹ Based upon the information gathered from the responding states and other reporting entities, this report describes whether and how these entities collected 988 fees or charges during calendar year 2022, how those entities that collected 988 fees or charges oversaw the expenditure of these funds, the amount of 988 fees or charges collected, and how the collected 988 fees or charges were used.⁴⁰ The report then describes the extent to which states and other reporting entities spent the revenue collected from 988 fees or charges for purposes other than 988 implementation or support.

A. 988 Fees Collected During Calendar Year 2022

16. *Description of 988 Fees Collected During Calendar Year 2022 by Service Type.* In order to provide an overview of the sources of 988 fees, the Bureau asked the states and other reporting entities to describe the amount of fees or charges imposed for the implementation and support of 988 services for each service type (wireline, wireless, prepaid wireless, Voice Over Internet Protocol (VoIP), and other).⁴¹ The Bureau also asked respondents to identify the jurisdiction receiving remittance by distinguishing among the state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority for each service type.⁴² Although the permissive language of the 988 Act addresses the collection of fees or charges applicable to commercial mobile services or IP-enabled voice services,⁴³ some states have also reported collecting or imposing 988 fees for wireline services. As such, this report provides a general discussion of any reported 988 wireline fee collection efforts during calendar year 2022. Three states – Colorado, Virginia, and Washington – reported having a fee-based funding mechanism designated for or imposed for the purposes of 988 support and implementation during calendar year 2022.⁴⁴ No other state or other reporting entity that responded to the Bureau’s inquiry created a funding mechanism to collect 988 fees during calendar year 2022.

17. Colorado reported that it began imposing and collecting a monthly 18-cent fee for wireline, wireless, and interconnected VoIP services, as well as an 18-cent fee for each prepaid wireless retail transaction, on January 1, 2022.⁴⁵ Virginia reported collecting a 12-cent monthly postpaid wireless fee and an 8-cent fee for prepaid wireless transactions during calendar year 2022.⁴⁶ Washington reported that it began imposing and collecting a monthly 24-cent fee per line from wireline, wireless, and VoIP services; a monthly 24-cent fee per each switched access line; and a 24-cent fee for each prepaid wireless

³⁸ The responding U.S. territories included Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands.

³⁹ See Appendix A for a list of respondents. The individual responses from the states, the District of Columbia, U.S. territories, and Tribal entities are available on the Commission’s Electronic Comment Filing System in WC Docket No. 18-336.

⁴⁰ The states and other reporting entities are responsible for reporting the underlying data regarding 988 fees or charges that is compiled in this report. The Commission does not audit or otherwise verify the accuracy of the data submitted by the states and other reporting jurisdictions.

⁴¹ See Appendix B – Annual Collection of Information Related to the Collection and Use of 988 Fees by States and Other Jurisdictions (FCC Questionnaire), Section E, Question 1.

⁴² FCC Questionnaire, Section E, Question 1.

⁴³ 988 Act § 4(a)(1).

⁴⁴ Colorado Response at 3, 11; Virginia Response at 3, 8; Washington Response at 2, 8-9.

⁴⁵ See Colorado Response at 7, 10-11.

⁴⁶ Virginia Response at 8.

retail transaction on October 1, 2021.⁴⁷ The Virginia and Washington fee amounts imposed for each service type for calendar year 2022 were the same as reported in calendar year 2021 and did not increase.⁴⁸

B. Description of Authority for the Collection of 988 Fees During Calendar Year 2022

18. *Authority for the Collection of 988 Fees During Calendar Year 2022.* The Bureau requested that the states and other reporting entities describe the authority relied upon for the collection of 988 fees.⁴⁹ Specifically, the Bureau asked whether 988 fees are collected by the state (or political subdivision) or Tribal entity, by a local authority, or by a hybrid approach. The respondents that reported collecting 988 fees during calendar year 2022 – Colorado, Virginia, and Washington – all indicated that a state entity has the authority to collect 988 fees.⁵⁰

19. *Colorado* reported that 988 “surcharges” are collected by the state from a monthly 988 fee per access connection and a prepaid wireless 988 fee on each retail transaction, both at rates not to exceed 30 cents.⁵¹ The monthly 988 fees are initially collected by “service suppliers” from “service users” and remitted to the Colorado Public Utilities Commission,⁵² and the prepaid wireless 988 fees are collected by sellers from consumers during retail transactions and remitted to the Colorado Department of Revenue.⁵³ The Colorado state treasurer deposits the collected fees into a state “988 crisis hotline cash fund”⁵⁴ that is managed by a board of directors appointed by the governor.⁵⁵ The Colorado Department of Human Service’s 988 Crisis Hotline Enterprise is ultimately responsible for imposing and distributing 988 fees.⁵⁶ Additionally, Colorado’s funding mechanism requires the 988 Crisis Hotline Enterprise and the Colorado Public Utilities Commission to collaborate annually to establish the amount of the monthly 988 fees for the next calendar year.⁵⁷

20. *Virginia* reported that 988 fees for postpaid wireless and prepaid wireless transactions are collected by the state or a political subdivision.⁵⁸ The prepaid wireless 988 fees are initially collected by Commercial Mobile Radio Service (CMRS) dealers from customers during retail transactions,⁵⁹ and the monthly postpaid wireless 988 fees are collected by CMRS providers and resellers from customers for

⁴⁷ Washington Response at 8-9.

⁴⁸ See *First Annual 988 Fee Accountability Report* at 5.

⁴⁹ FCC Questionnaire, Section B, Question 2.

⁵⁰ Colorado Response at 4; Virginia Response at 4; Washington Response at 2-3.

⁵¹ Colorado Response at 4. Colorado defines a “988 access connection” as “any communications service including wireline, wireless cellular, interconnected voice over internet protocol, or satellite in which connections are enabled, configured, or capable of making 988 calls.” Colo. Rev. Stat. § 40-17.5-101(2) (2022).

⁵² See Colorado Response at 7; see also Colo. Rev. Stat. § 40-17.5-101(5) (defining “commission”); *id.* §§ 40-17.5-102(1)-(3) (describing monthly 988 fee collection rules).

⁵³ See Colorado Response at 7; see also Colo. Rev. Stat. § 40-17.5-101(7) (defining “department”); *id.* §§ 40-17.5-104(1)-(2) (describing prepaid wireless 988 fee collection rules).

⁵⁴ See Colorado Response at 4; see also Colo. Rev. Stat. § 40-17.5-102(3)(c)(I) (describing monthly 988 fee collection rules); *id.* § 40-17.5-104(2)(e)(I) (describing prepaid wireless 988 fee collection rules).

⁵⁵ Colorado Response at 4, 6.

⁵⁶ See *id.* at 4; see also Colo. Rev. Stat. § 27-64-103.

⁵⁷ See Colo. Rev. Stat. § 40-17.5-102(1) (“The commission shall collaborate with the enterprise to establish the amount of the surcharge for the next calendar year.”).

⁵⁸ Virginia Response at 4, 8.

⁵⁹ Va. Code Ann. § 37.2-311.5(A)(1) (2022). CMRS means “mobile telecommunications service” as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended. *Id.* § 56-484.12.

each CMRS device that is capable of two-way interactive voice communication.⁶⁰ The 988 fees are ultimately collected by the state Department of Taxation and all revenue accrues in a Crisis Call Center Fund that is established on the books of the state Comptroller.⁶¹ The Virginia Department of Behavioral Health and Developmental Services disburses the collected 988 fees to Community Service Boards that represent specific regions and contract with 988 crisis call centers to provide services in particular areas.⁶²

21. *Washington* responded that the state is the only entity that has authority over the collection of 988 fees, and cities and counties are specifically prohibited from imposing 988 fees.⁶³ The 988 fees are collected on a statewide basis by sellers or providers and appear on subscriber monthly billing statements or invoices at the point of sale.⁶⁴ The 988 fees are remitted to the State Treasury, where they are deposited into a dedicated statewide 988 behavioral health crisis response and suicide prevention line account.⁶⁵

22. Three additional states – California, Oregon, and Nevada – reported that the state or a political subdivision has the authority to collect 988 fees but did not do so during calendar year 2022.⁶⁶

C. Description of Authority that Determines How 988 Fees are Spent

23. *Authority for the Approval of 988 Fee Expenditures During Calendar Year 2022.* The Bureau requested that states and other jurisdictions identify the entity that has authority to approve the expenditure of 988 fees.⁶⁷ States reported using a variety of methods to distribute 988 fees during calendar year 2022. Colorado and Washington both responded that the state is the only entity that has authority to approve expenditure of 988 fees, whereas Virginia indicated that the authority is shared between the state and local authorities.⁶⁸ Virginia reported that their Department of Behavioral Health and Developmental Services (DBHDS) approves the disbursement of collected 988 fees to regional entities that contract directly with 988 crisis call centers.⁶⁹ The use of collected 988 fees for other 988 related purposes is at the discretion of the Virginia DBHDS.⁷⁰ Washington reported that the State Legislature is the only entity that has authority to appropriate 988 funds.⁷¹ The Washington State Operating Budget for the fiscal biennium from July 1, 2021, to June 30, 2023 authorized the expenditure of collected 988 fees, and entities that were allocated funds “to support activities were able to begin spending as revenue began accruing.”⁷²

⁶⁰ Va. Code. Ann. § 37.2-311.5(A)(2).

⁶¹ *Id.* §§ 37.2-311.4, -311.5.

⁶² Virginia Response at 4-5.

⁶³ Washington Response at 2, 4.

⁶⁴ H.B. 1477, 67th Leg., Reg. Sess. § 203(1)(d), (2)(c) (Wash. 2021).

⁶⁵ Washington Response at 3; *see also* H.B. 1477, 67th Leg., Reg. Sess. § 202(1)(b) (Wash. 2021).

⁶⁶ *See* California Response at 4-5; Oregon Response at 4, 8-10; Nevada Response at 4, 8. The Chickahominy Indian Tribe Eastern Division provided a response to the Bureau’s inquiry, but also reported that the Tribe has not established a 988 fee-based funding mechanism. *See* Chickahominy Indian Tribe Eastern Division Response at 3-4.

⁶⁷ FCC Questionnaire, Section C, Question 1.

⁶⁸ Colorado Response at 5; Virginia Response at 4-5; Washington Response at 3.

⁶⁹ Virginia Response at 4-5.

⁷⁰ *Id.*

⁷¹ Washington Response at 4.

⁷² H.B. 1477, 67th Leg., Reg. Sess. § 205(1) (Wash. 2021); S.B. 5092, 67th Leg., Reg. Sess. § 1(1) (Wash. 2021); Washington Response at 3.

24. *Mandated Use.* The Bureau also sought information on whether states and other reporting entities had established a funding mechanism that mandates how collected funds may be used.⁷³ The respondents that collected and distributed 988 fees during calendar year 2022 all reported having a fee-based funding mechanism that mandated how 988 fees could be used.⁷⁴ Colorado’s state legislation provides that collected 988 fees are used to fund the “988 crisis hotline to provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline.”⁷⁵ The Commission reported last year that Virginia had responded that the state was currently in the process of establishing detailed restrictions for the use of collected funds.⁷⁶ It now reports that, pursuant to state statute, revenues from prepaid 988 and monthly postpaid 988 charges shall be used solely for the purposes of establishing and administering the crisis call center.⁷⁷ Washington responded that expenditures of 988 fees may “only be used for: (a) ensuring the efficient and effective routing of calls made to the 988-crisis hotline to an appropriate crisis hotline center or crisis call center hub; and (b) personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, by directly responding to the 988 crisis hotline.”⁷⁸ Washington also provided details regarding the appropriations made in the State’s operational budget to the Washington Department of Health, Washington Health Care Authority, and Washington Office of Financial Management.⁷⁹ No other state or other reporting entity that responded to the Bureau’s inquiry distributed collected 988 fees during calendar year 2022.

25. *The Collection of 988 Fees Post-Calendar Year 2022.* Based on the responses received and the current status of state legislative actions, the Bureau anticipates that the collection of fees or charges to support 988 services will continue to increase in future years. California reported that it began imposing a monthly 988 fee on each wireline, wireless, and VoIP “access line,” as well as a prepaid fee on the purchase of mobile telecommunications services on January 1, 2023.⁸⁰ Pursuant to state legislation, the monthly 988 fee will be charged at a rate of 8 cents per access line for calendar years 2023 and 2024, and beginning January 1, 2025, at a rate that is determined annually based on a specific formula, but not to exceed 30 cents per access line per month.⁸¹ The 988 fees are collected by suppliers on customer billing statements and by sellers at the time of each retail transaction.⁸² Nevada passed legislation to allow a 988 fee of up to 35 cents for certain types of service that became effective on January 1, 2022, but it also required the State Board of Health to adopt regulations to set an exact amount

⁷³ FCC Questionnaire, Section C, Question 2.

⁷⁴ Colorado Response at 5; Virginia Response at 5; Washington Response at 4.

⁷⁵ Colorado Response at 5-7; Colo. Rev. Stat. § 27-64-103.

⁷⁶ See *First Annual 988 Fee Accountability Report* at 6.

⁷⁷ See Va. Code Ann. §§ 37.2-311.4, -311.5.

⁷⁸ Washington Response at 4.

⁷⁹ *Id.* at 4-5.

⁸⁰ See California Response at 4-6; see also Cal. Gov’t Code § 52123.4 (Deering 2022) (establishing a “988 State Suicide and Behavioral Health Crisis Services Fund” in the State Treasury); Cal. Rev. & Tax. Code § 41020(a) (Deering 2022) (describing the imposed 988 “surcharges”); *id.* § 41007.1 (defining “access line”). California defines “charges for mobile telecommunications services” as “any charge for, or associated with, the provision of commercial mobile radio service . . . or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer’s home service provider, regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.” Cal. Rev. & Tax. Code § 41020(c)(1).

⁸¹ See Cal. Rev. & Tax. Code § 41030(b)(2), (3).

⁸² See Cal. Rev. & Tax. Code § 41021 (describing collection of surcharges); *id.* § 41028 (describing seller requirements for the collection of 988 surcharges on the purchase of prepaid mobile telephony services).

for the 988 fee before the state could begin collecting fees.⁸³ Nevada has since revised its 988 legislation to impose a 988 set fee of 35 cents on “[e]ach access line of each customer” for wireless services and IP-enabled voice services, and on “[e]ach access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines.”⁸⁴ The 988 fees are collected by the service providers and transferred to a division in the Nevada Department of Health and Human Services.⁸⁵ Nevada also requires service providers to annually report the average number of lines that were subject to the 988 fees for each month of the preceding year.⁸⁶ Oregon reported that it will begin imposing a monthly 988 fee of 40 cents for wireless and VoIP services, as well as a 40 cent fee for prepaid wireless telecommunications services per retail transaction on September 24, 2023.⁸⁷ Minnesota also passed legislation to authorize a monthly 988 fee for wireline, wireless, and VoIP services of not more than 25 cents effective July 1, 2023.⁸⁸ Additionally, Washington reported that its statewide 988 fees will increase to 40 cents on January 1, 2023.⁸⁹

D. Description of Uses of Collected 988 Fees During Calendar Year 2022

26. *Actual Uses of 988 Fees During Calendar Year 2022.* The Bureau asked states and other reporting entities to provide a statement identifying with specificity “all activities, programs, and organizations for whose benefit your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority has obligated or expended funds collected for 988 purposes, and how these activities, programs, and organizations support 988 services or enhancements of such services” for the year ending December 31, 2022.⁹⁰

27. *Colorado* responded that expenditures of 988 fees are authorized by the Colorado Department of Health’s 988 Crisis Hotline Enterprise, and “must align with statutory requirements for the program.”⁹¹ Colorado’s statute provides that the 988 Crisis Hotline Enterprise is responsible for funding the 988 crisis hotline to “provide intervention services and crisis care coordination.”⁹² The Colorado 988 Crisis Hotline Enterprise is also authorized to engage the services of third-party vendors to provide “crisis outreach, stabilization, acute care, and marketing for the 988 crisis hotline.”⁹³ Additionally, Colorado responded that collected 988 fees were used during calendar year 2022 to: (1) “support[] call center staff and capacity building,” (2) “988 crisis marketing,” and (3) “administrative costs such as personnel and operating costs.”⁹⁴

28. *Virginia* provided a description of the collected 988 fees that were disbursed to regional Community Services Boards.⁹⁵ According to Virginia, the Richmond Behavioral Health Authority

⁸³ S.B. 390, 81st Leg., Reg. Sess. § 5(1) (Nev. 2021).

⁸⁴ See S.B. 237, 82nd Leg., Reg. Sess. § 1.5 (Nev. 2023); Nevada Response at 3.

⁸⁵ See S.B. 237 § 1.5 (Nev. 2023); Nevada Response at 3.

⁸⁶ See S.B. 237 § 1.5(7) (Nev. 2023); Nevada Response at 3.

⁸⁷ See H.B. 2757, 82nd Leg., Reg. Sess. § 6 (Or. 2023); Oregon Response at 8-9.

⁸⁸ See S.B. 2995, 93rd Leg., Reg. Sess. art. 4 § 57 (Minn. 2023).

⁸⁹ Washington Response at 8-9.

⁹⁰ FCC Questionnaire, Section D, Question 1.

⁹¹ See Colorado Response at 6; see also Colo. Rev. Stat. § 27-64-103 (2022) (defining the powers and duties of the 988 Crisis Hotline Enterprise).

⁹² See Colo. Rev. Stat. § 27-64-103(4)(c).

⁹³ *Id.* § 27-65-103(d)(1).

⁹⁴ Colorado Response at 6-9.

⁹⁵ Virginia Response at 6.

(RBHA) and the Region 10, Fairfax, and Western Tidewater Community Services Boards used collected 988 fees to contract with calls centers to enhance coverage, act as the primary routing point for 988 calls, and enhance training and staffing for their centers.⁹⁶ Additionally, the Planning District 1 Community Service Board received funding to contract with 988 call centers to enhance coverage and routing of 988 calls, as well as to contract with a behavioral health services provider to enhance staffing for 988 calls.⁹⁷

29. *Washington* responded that collected 988 fees were used for the same mandated purposes described above in Section C.⁹⁸ Additionally, the Washington Department of Health received funds from the 988 fee revenue to implement the State’s 988 Suicide Prevention Program, which included “program staffing, project management services, system support, training, committee support, program staff, program support staff, and contracts with [] three National Suicide Prevention Lifeline Centers.”⁹⁹ According to Washington, most of these funds were used to increase staffing capacity at call centers, infrastructure, and program development.¹⁰⁰ Washington also reported that the State’s Health Care Authority was appropriated collected 988 fees for information technology support to complete a “Technical and Operational Plan” that is required by the State Legislature to facilitate 988 implementation.¹⁰¹ The Washington Health Care Authority also used collected 988 fees for the support staff necessary to collaborate with the State’s Crisis Improvement Strategy Committee¹⁰² and to collaborate with stakeholders associated with the State’s Crisis Response Improvement Strategy Committee.¹⁰³

30. As no other state or reporting entity used collected 988 fees during calendar year 2022, Colorado, Virginia, and Washington were the only respondents to provide this information to the Bureau for the relevant timeframe.

31. *Specific Expenditure Categories.* The Bureau also requested that respondents identify whether collected 988 fees were authorized to be used for specific expenditure categories, including: (1) operating costs for customer premises equipment, and the lease, purchase, or maintenance of buildings and facilities; (2) personnel costs (crisis counselors’ salaries and training); (3) administrative costs associated with program administration, administrative personnel, and travel expenses; (4) mobile dispatch costs, which are costs related to dispatching mobile crisis teams; and (5) grant programs paid for through the use of collected 988 fees.¹⁰⁴ Table 1 details the responses received from the three states – Colorado, Virginia, and Washington – that reported using collected 988 fees during calendar year 2022.¹⁰⁵

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Washington Response at 4-6.

⁹⁹ *Id.* at 6.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* Washington’s Legislature required the State Department of Health and the State Health Care Authority to submit a plan to assist with the development and implementation of technology necessary to support the State’s behavioral and suicide prevention system. *See* H.B. 1477, 67th Leg., Reg. Sess. § 109 (Wash. 2021).

¹⁰² Washington Response at 6.

¹⁰³ *Id.* Washington established a Crisis Response Improvement Strategy Committee and Steering Committee to help support the State’s “integrated behavioral health crisis response and suicide prevention system.” *See* H.B. 1477, 67th Leg., Reg. Sess. §§ 103-104 (Wash. 2021).

¹⁰⁴ FCC Questionnaire, Section D, Question 2.

¹⁰⁵ California, Indiana, Mississippi, Nevada, Oregon, American Samoa, and Puerto Rico completed this section of the questionnaire. However, as all of these states and territories reported that they did not collect 988 fees during calendar year 2022, the responses are outside of the scope of this annual report.

32. Colorado, Virginia and Washington all responded that collected 988 fees may be used for personnel costs associated with crisis counselors’ salaries and training of crisis counselors, as well as administrative costs associated with program administration, administrative personnel, and travel expenses.¹⁰⁶ With respect to operating costs, Colorado, Virginia, and Washington all responded that collected 988 fees may be used for operating costs associated with the lease, purchase, or maintenance of customer premises equipment.¹⁰⁷ Colorado and Washington also indicated that collected 988 fees may be used for operating costs associated with the lease, purchase, or maintenance of buildings or facilities; whereas, Virginia responded that these costs are not allowed uses of collected 988 fees.¹⁰⁸ Additionally, Colorado and Washington reported that 988 fees may be used for mobile dispatch costs, whereas Virginia indicated that these are not a permissible use of collected 988 fees.¹⁰⁹ All three states – Colorado, Virginia, and Washington – indicated grant programs were not allowed uses of collected 988 fees.¹¹⁰

33. *Other Allowed Uses.* The questionnaire also requested that states and other reporting entities describe any other allowed uses for collected 988 fees.¹¹¹ Virginia and Washington responded that there are no other allowed uses for collected 988 fees.¹¹² Colorado responded that collected 988 fees may also be used for marketing costs.¹¹³

Table 1 – Allowed Uses of Collected 988 Fees During Calendar Year 2022

State	Operating Costs		Personnel Costs		Administrative Costs			Mobile Dispatch Costs	Grants
	Lease, purchase, maintenance of CPE (hardware and software)	Lease, purchase, maintenance of building/ facilities	Crisis counselor’s salaries	Training of crisis counselors	Program admin.	Travel	Admin. personnel	Costs related to dispatch (e.g., equipment) of mobile crisis teams	Grants paid for through the use of 988 fees
CO	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
VA	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
WA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No

E. Description of the Total Amount of 988 Fees Collected During Calendar Year 2022

34. *Total Amount of 988 Fees Collected During Calendar Year 2022.* The Bureau asked states and other reporting entities to report the total amount collected pursuant to the assessed fees or charges by service type, including wireline, wireless, VoIP, prepaid wireless, and any other service-based fees.¹¹⁴ Table 2 shows the total amount of 988 fees collected by the respondents that reported collecting 988 fees during calendar year 2022. The estimated total 988 fees that the states reported collecting ranged from an estimated low of \$10,919,378.18 by Virginia to an estimated high of \$30,410,200.60 by Washington.¹¹⁵

¹⁰⁶ Colorado Response at 9; Virginia Response at 6-7; Washington Response at 7.

¹⁰⁷ Colorado Response at 9; Virginia Response at 6; Washington Response at 7.

¹⁰⁸ Colorado Response at 9; Virginia Response at 6; Washington Response at 7.

¹⁰⁹ Colorado Response at 10; Virginia Response at 7; Washington Response at 7.

¹¹⁰ Colorado Response at 10; Virginia Response at 7; Washington Response at 7.

¹¹¹ FCC Questionnaire, Section D, Question 2b.

¹¹² Virginia Response at 7; Washington Response at 8.

¹¹³ Colorado Response at 10 (stating that “marketing costs are also covered”).

¹¹⁴ FCC Questionnaire, Section E, Question 2.

¹¹⁵ See Virginia Response at 8; Washington Response at 9.

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Table 2 – Total Amount of 988 Fees by Service Type For Calendar Year 2022

State	Wireline	Wireless	Prepaid	VoIP	Other	Total
CO	\$1,225,438.91	\$9,828,559.40	\$1,747,382.00	\$2,596,274.84	\$1,375,791.50	\$16,773,446.65
VA	[No Response]	\$9,641,633.59	\$1,277,744.59	[No Response]	[No Response]	\$10,919,378.18 ¹¹⁶
WA	\$2,094,433.59	\$20,901,304.15	\$3,341,484.81	\$4,072,978.13	\$0	\$30,410,200.60

35. *Combined Funds.* The Bureau also asked states and other reporting entities whether, for the year ending December 31, 2022, any 988 fees that were collected were combined with any federal, state, local, Tribal, village, or regional corporation funds, grants, special collections, or general budget appropriations that were designated to support 988 services.¹¹⁷ As detailed in Table 3, the three respondents that reported collecting 988 fees during calendar year 2022 all indicated that they combined collected 988 fees with other funds or grants to support 988 services.¹¹⁸

Table 3 – States Reporting Whether 988 Fees Are Combined with Other Funds

Responses Regarding Combination of Collected 988 Fees with Any Funds, Grants, Special Collections, or General Budget Appropriations That Were Designated to Support 988 Services			
State	Yes	No	If yes, description of the funds and amounts that were combined with 988 fees.
CO	X		“SAMHSA awarded \$2,458,104 in initial award and a \$1,000,000 supplement award however these funds were not spent prior to December 31, 2022.”
VA	X		“The tax funds paid \$4,732,000 and state general funds paid \$4,697,016 in 2023.”
WA	X		<p>“General Fund State dollars - \$867,130 established prior to 988 legislation, to support crisis call center services, Department of Health contracted with centers to provide National Suicide Prevention Lifeline services.</p> <p>The Federal Substance Abuse and Mental Health Services Administration (SAMHSA) grant for the period April 2022 to April 2023 awarded Washington State \$1,338,464. Additional supplemental funding was awarded in January 2022 through April 2024 in the amount of \$570,991.</p> <p>State funding (\$13,374,000 in FY2022) and federal match funding (\$13,373,000 for FY2022-FY2023) supports Health Care Authority’s capability to respond to 988 calls through expanding Mobile Crisis Response Teams.”</p>

36. *Proportional Contribution.* The Bureau requested that states and other reporting entities provide an estimate of the proportional contribution from each funding source towards the total cost to support 988 in their jurisdiction.¹¹⁹ Table 4 details the responses received from the three respondents that

¹¹⁶ The total amount of 988 fees collected by the Commonwealth of Virginia was calculated based on the reported total amounts of wireless and prepaid wireless charges. See Virginia Response at 8.

¹¹⁷ FCC Questionnaire, Section E, Question 4. For this section of the questionnaire, the year ending December 31, 2022 refers to calendar year 2022.

¹¹⁸ American Samoa, California, Indiana, Missouri, Mississippi, Nevada, Oregon, Puerto Rico, the Chickahominy Indian Tribe Eastern Division, and the Muscogee (Creek) Nation completed this section of the questionnaire. However, as all of these states, territories, and Tribal entities reported that they did not collect 988 fees during or prior to calendar year 2022, the responses are outside of the scope of this annual report.

¹¹⁹ FCC Questionnaire, Section E, Question 5.

reported collecting 988 fees during calendar year 2022.¹²⁰ Colorado reported that 83% of funding came from state 988 fees and 17% of funding came from federal grants.¹²¹ Virginia reported that 50% of funding came from local 988 fees and 50% came from a county general fund.¹²² Washington reported that 95% of funding came from state 988 fees and 5% came from a state general fund.¹²³

Table 4 – Estimates of Proportional Contribution from Each Funding Sources

State	State/Tribal Authority 988 Fees	Local/Political Subdivision 988 Fees	General Fund-State/Tribal 988 Fees	General Fund-County	Federal Grants	State/Tribal Grants
CO	83%	0%	0%	0%	17%	0%
VA	[No Response]	50%	[No Response]	50%	[No Response]	[No Response]
WA	95%	0%	5%	0%	0%	0%

F. Use of 988 Fees and Charges to Fund Programs Other than 988 Services

37. *Requirements Under the 988 Act to Perform Diversion Analysis.* Section 4(a)(1) of the 988 Act affirms the ability of the states and other reporting entities to collect fees or charges “applicable to a commercial mobile service or an IP-enabled voice service . . . for [988] related services, if the fee or charge is held in a sequestered account to be obligated or expended only in support of [988] services, or enhancement of such services, as specified in the provision of State or local law adopting the fee or charge.”¹²⁴ Congress required that any 988 fees collected under section 4 of the 988 Act only be imposed, collected, and used to pay expenses that are “reasonably attributed to— (A) ensuring the efficient and effective routing of calls made to . . . [988] . . . to an appropriate crisis center; and (B) personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to . . . [988] . . .”¹²⁵ Under section 4(b)(2) of the 988 Act, the Commission is required to report “findings on the amount of revenues obligated or expended by each State [or other reporting entity] . . . for any purpose other than the purpose for which any such [988] fees or charges are specified.”¹²⁶

38. To make the findings specified by section 4(b)(2) of the 988 Act, the Bureau’s questionnaire asked the states and other reporting entities to confirm whether collected 988 fees were “made available or used solely for the purposes designated by the funding mechanism,” and requested

¹²⁰ California, Indiana, Missouri, Mississippi, Nevada, Oregon, Puerto Rico, and the Muscogee (Creek) Nation completed this section of the questionnaire. However, none of these respondents reported that 988 fees contributed towards the total cost of supporting 988. *See* California Response at 10; Indiana Response at 10; Missouri Response at 9; Mississippi Response at 9; Nevada Response at 9; Oregon Response at 10; Puerto Rico Response at 9; the Muscogee (Creek) Nation Response at 9.

¹²¹ Colorado Response at 12-13.

¹²² Virginia Response at 9-10.

¹²³ Washington Response at 11.

¹²⁴ 988 Act § 4(a)(1).

¹²⁵ *Id.* § 4(a)(2). We note that the FCC has also issued an annual report for 911 fees since 2009. All annual 911 Fee Reports are available on the FCC’s website. FCC, *911 Fee Reports and Reporting* (Apr. 3, 2023), <https://www.fcc.gov/general/911-fee-reports>. In 2021, in accordance with a 2020 congressional mandate, the Commission released a *Report and Order* adopting rules that define which expenditures of 911 fees or charges by states and taxing jurisdictions are “acceptable” and which constitute 911 fee diversion for purposes of section 902 and the Commission’s rules. *911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008*, PS Docket Nos. 20-291 and 09-14, Report and Order, 36 FCC Rcd 10804 (2021), *corrected by* Erratum (PSHSB Aug. 12, 2021), <https://www.fcc.gov/document/erratum-911-fee-diversion-et-al>; 47 CFR § 9.21 *et seq.*; *see also* Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Division FF, Title IX, section 902, Don’t Break Up the T-Band Act of 2020 (Section 902).

¹²⁶ 988 Act § 4(b)(2).

descriptions of the fees collected and the allowed use of such fees.¹²⁷ The Bureau sought specific information regarding the amount of any funds collected for 988 purposes that were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 988 implementation or support, including any funds transferred, loaned, or otherwise used for the state’s general fund.¹²⁸ The Bureau also requested that the states and other reporting entities include a statement identifying the non-related purposes for which the collected 988 funds were made available or used.¹²⁹

39. *Use of 988 Fees and Charges for Purposes Other than 988 Services.* The respondents that have collected 988 fees – Colorado, Virginia, and Washington – reported that they used, or were only allowed to use, the collected 988 fees solely for 988 purposes during calendar year 2022.¹³⁰

40. *Colorado* reported that expenditures of collected 988 fees by the Colorado Department of Health’s 988 Crisis Hotline Enterprise must align with state statutory requirements.¹³¹ According to Colorado, the collected 988 fees were used during calendar year 2022 to (1) “support[] call center staff and capacity building,” (2) “988 crisis marketing,” and (3) “administrative costs such as personnel and operating costs.”¹³²

41. Pursuant to state legislation, Colorado also reported that 988 “surcharges” are collected from service users by service suppliers and remitted to the Colorado Public Utilities Commission on a monthly basis.¹³³ The prepaid wireless 988 fees are collected from consumers by sellers on each retail transaction and remitted to the Colorado Department of Revenue.¹³⁴ Colorado’s statute provides that service suppliers may “deduct and retain one percent” of the collected monthly 988 fees and sellers may “deduct and retain three and three-tenths percent” of the collected prepaid wireless 988 fees.¹³⁵ In addition, Colorado’s statute states that the Colorado Public Utilities Commission “may retain up to four percent of the collected surcharges necessary to reimburse the commission for its direct and indirect costs of administering the collection and remittance of the surcharges for the 988 crisis hotline, including costs

¹²⁷ FCC Questionnaire, Sections C-F.

¹²⁸ FCC Questionnaire, Section F, Question 1a.

¹²⁹ *Id.*

¹³⁰ American Samoa, Indiana, and Nevada checked the “No” box in response to Section F, Question 1, asking whether funds collected for 988 purposes were made available or used solely for the purposes designated by the funding mechanism. *See* American Samoa Response at 10; Indiana Response at 11; Nevada Response at 10. However, there is no indication that they actually collected any 988 fees during calendar year 2023. Nevada stated that “[n]o funds were collected prior to December 31, 2022,” and identified the total amount of funds as “\$0.00.” Nevada Response at 10. Indiana reported that “[n]o fees have been collected” and identified the amount of funds as “0.” Indiana Response at 11. Indiana and American Samoa also reported that they did not establish a 988 fee-based funding mechanism or collect 988 fees during calendar year 2022. *See* American Samoa Response at 3, 5-6; Indiana Response at 3, 6.

¹³¹ *See* Colorado Response at 6; Colo. Rev. Stat. § 27-64-103 (2022) (providing that the Colorado 988 Crisis Hotline Enterprise is responsible for funding the state 988 crisis hotline for “intervention services and crisis care coordination”); *id.* § 27-65-103(d)(1) (authorizing the Colorado 988 Crisis Hotline Enterprise to engage the services of third-party vendors to provide “crisis outreach, stabilization, acute care, and marketing for the 988 crisis hotline”).

¹³² Colorado Response at 6-9.

¹³³ *See* Colo. Rev. Stat. § 40-17.5-101(5) (defining “commission”) (2022); *id.* §§ 40-17.5-102(1)-(3) (describing monthly 988 fee collection rules).

¹³⁴ *See* Colo. Rev. Stat. § 40-17.5-101(7) (defining “department”); *id.* §§ 40-17.5-104(1)-(2) (describing prepaid wireless 988 fee collection rules).

¹³⁵ *See id.* § 40-17.5-102(3)(b) (describing monthly 988 fee collection rules); § 40-17.5-104(2)(b) (describing prepaid wireless 988 fee collection rules).

related to conducting audits of service suppliers.”¹³⁶ The Colorado Department of Revenue may also “retain up to three percent of the collected charges necessary to reimburse the department for its direct costs of administering the collection and remittance of prepaid wireless 988 charges.”¹³⁷

42. *Virginia’s* statute provides that collected prepaid wireless 988 fees and monthly postpaid wireless 988 fees must be used for 988 purposes.¹³⁸ Virginia reported that their DBHDS approves the disbursement of 988 fees to regional Community Services Boards (CSB) that contract directly with 988 crisis lines.¹³⁹ According to Virginia, the regional CSBs used collected 988 fees during calendar year 2022 “to contract with 988 call centers to enhance coverage,” “act as primary routing points for 988 calls,” and “enhance staffing for 988 calls.”¹⁴⁰ Virginia also reported that several regional CSBs used collected 988 fees to “contract with PRS who enhanced training and staffing for their center.”¹⁴¹ PRS manages the regional call center in Virginia and is a 501(c)(3) nonprofit organization that provides behavioral health, crisis, and suicide intervention services.¹⁴²

43. *Washington’s* state legislation provides that collected 988 fees “may only be used for (a) ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or crisis call center hub; and (b) personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in [the 988 Act], by directly responding to the 988 crisis hotline.”¹⁴³ Washington reported that expenditures of collected 988 funds were used for state 988 program staffing and for project management services to help plan, develop, and implement expanded and coordinated crisis services in the state.¹⁴⁴ Washington also reported that it appropriated collected 988 fees to the State Health Care Authority to support planning for the information technology necessary to complete the “Technical and Operational Plan” required by State statute.¹⁴⁵ Additionally, the Washington Health Care Authority used collected 988 fees to provide staff support and collaborate with stakeholders associated with the State Crisis Response Improvement Strategy Committee.¹⁴⁶

44. Since the expenses reported by Colorado, Virginia, and Washington are related to “ensuring the efficient and effective routing of calls made to” 988 and “personnel and the provision of acute mental health, crisis outreach and stabilization services by directly responding to” individuals contacting 988, the Bureau reports that they can reasonably be attributed to the uses specified in section 4(a)(2) of the 988 Act. Therefore, the Bureau concludes that Colorado, Virginia, and Washington have not diverted 988 funds for non-988 purposes within the meaning of the 988 Act.

G. Indian Tribes and Alaska Natives

45. Due to a low response rate, the Bureau does not have a clear picture of the collection and distribution of 988 fees by Indian Tribes or Alaska Native villages and regional corporations. The Bureau

¹³⁶ See *id.* § 40-17.5-101(5) (defining “commission”); § 40-17.5-102(3)(c)(II) (describing monthly 988 fee collection rules).

¹³⁷ See *id.* § 40-17.5-101(7) (defining “department”); § 40-17.5-104(2)(e)(II) (describing prepaid wireless 988 fee collection rules).

¹³⁸ See Va. Code. Ann. §§ 37.2-311.4, -311.5.

¹³⁹ Virginia Response at 5.

¹⁴⁰ *Id.* at 6.

¹⁴¹ *Id.*

¹⁴² See PRS, *CrisisLink*, <https://prsinc.org/crisislink/> (last visited Aug. 14, 2023).

¹⁴³ See H.B. 1477, 67th Leg., Reg. Sess. § 205(2) (Wash. 2021).

¹⁴⁴ Washington Response at 6.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

partnered with the Commission’s Office of Native Affairs and Policy to facilitate our outreach efforts to Tribal entities for this year’s annual information collection. The Office of Native Affairs and Policy sent multiple outreach emails to Tribal leaders to increase awareness about the information collection and encourage responses. In addition, in April 2023, the Commission hosted a webinar specifically tailored to Tribal entities to provide information regarding the annual 988 fee accountability report and highlight the importance of receiving valuable Tribal input.¹⁴⁷ The Bureau received five responses from Tribal entities, and all of those respondents reported that they do not have a funding mechanism designated for or imposed for the purposes of 988 support or implementation. Therefore, the Bureau can conclude that 988 fees are not being collected by these Indian Tribes at this time.

IV. CONCLUSION

46. Similar to our finding in the First Annual 988 Fee Accountability report, the Bureau finds that 988 fee collection by states and other reporting entities in this second reporting year is continuing to develop, but is still in the early stages. The Bureau received responses to its inquiry from every state, the District of Columbia, all major U.S. territories, and five Indian Tribes. However, the information obtained indicates that only three states – Colorado, Virginia, and Washington – implemented a fee-based funding mechanism and collected 988 fees during the period covered by this second annual report. Colorado, Virginia, and Washington report, and the Bureau concurs, that the collected 988 fees were used for purposes that are reasonably attributable to the permissible uses specified in the 988 Act. The Bureau is committed to improving our outreach efforts to Tribal leaders and is hopeful that it will be able to provide greater insight regarding the use of 988 funding by Tribal entities in future years. We look forward to updating Congress on the status of the collection and distribution of 988 fees in future 988 fee accountability reports.

¹⁴⁷ FCC, Tribal Webinar on the 988 Fee Accountability Report (Apr. 27, 2023), <https://www.fcc.gov/news-events/events/2023/04/fcc-tribal-webinar-988-fee-accountability-report>.

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**APPENDIX A
RESPONSES TO 2023 988 FEE REPORT QUESTIONNAIRE
WC Docket No. 18-336¹**

Respondents	Authority Enabling Establishment of 988 Fee-Based Funding Mechanism	Fees Collected Calendar Year 2022
States		
AK	None Reported	None Reported
AL	None Reported	None Reported
AR	None Reported	None Reported
AZ	None Reported	None Reported
CA	Yes, A.B. 988, Gen. Assemb., 2021-2022 Reg. Sess. (Cal. 2022)	None Reported
CO	Yes, S.B. 21-154, 73d Gen. Assemb., 1st Reg. Sess. (Colo. 2021).	The total amount collected in 988 fees was \$16,773,446.65.
CT	None Reported	None Reported
DE	None Reported	None Reported
FL	None Reported	None Reported
GA	None Reported	None Reported
HI	None Reported	None Reported
IA	None Reported	None Reported
ID	None Reported	None Reported
IL	None Reported	None Reported
IN	None Reported	None Reported
KS	None Reported	None Reported
KY	None Reported	None Reported
LA	None Reported	None Reported
MA	None Reported	None Reported
MD	None Reported	None Reported
ME	None Reported	None Reported
MI	None Reported	None Reported
MN	Yes, S.B. 2995, 93rd Leg., Reg. Sess. (Minn. 2023)	None Reported
MO	None Reported	None Reported
MS	None Reported	None Reported
MT	None Reported	None Reported
NC	None Reported	None Reported
ND	None Reported	None Reported
NE	None Reported	None Reported
NH	None Reported	None Reported
NJ	None Reported	None Reported
NM	None Reported	None Reported
NV	Yes, S.B. 237, 82d Leg., Reg. Sess. (Nev. 2023)	None Reported
NY	None Reported	None Reported

¹ Individual responses from the states, U.S. territories, District of Columbia, and Tribal entities are available on the Commission’s Electric Comment Filing System in WC Docket No. 18-336.

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OH	None Reported	None Reported
OK	None Reported	None Reported
OR	Yes, H.B. 2757, 82d Leg. Assemb., Reg. Sess. (Or. 2023).	None Reported
PA	None Reported	None Reported
RI	None Reported	None Reported
SC	None Reported	None Reported
SD	None Reported	None Reported
TN	None Reported	None Reported
TX	None Reported	None Reported
UT	None Reported	None Reported
VA	Yes, Va. Code Ann. § 37.2-311.5 (2022).	The total amount collected in 988 fees was \$10,919,378.18. ²
VT	None Reported	None Reported
WA	Yes, Wash. Rev. Code § 82.86.020 (2022); H.B. 1477, 67th Leg., Reg. Sess. (Wash. 2021).	The total amount collected in 988 fees was \$30,410,200.60.
WI	None Reported	None Reported
WV	None Reported	None Reported
WY	None Reported	None Reported
U.S. Territories and District of Columbia		
AS	None Reported	None Reported
D.C.	None Reported	None Reported
Guam	None Reported	None Reported
NMI	None Reported	None Reported
PR	None Reported	None Reported
USVI	None Reported	None Reported
Indian Tribes/Alaska Natives		
Chickahominy Indian Tribe – Eastern Division	None Reported	None Reported
Chitimacha Tribe of Louisiana	None Reported	None Reported
Choctaw Nation of Oklahoma	None Reported	None Reported
Confederated Tribes of Seitz	None Reported	None Reported
The Muscogee (Creek) Nation	None Reported	None Reported

² The total amount of 988 fees collected by the Commonwealth of Virginia was calculated based on the reported total amounts of wireless and prepaid wireless charges. See Virginia Response at 8.

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APPENDIX B
988 Fee Report Questionnaire

Annual Collection of Information

Related to the Collection and Use of 988 Fees by States and Other Jurisdictions

Pursuant to OMB authorization 3060-1301, the FCC's Wireline Competition Bureau (Bureau) seeks the following specific information in order to fulfill the Commission's obligations under Section 4(b) of the National Suicide Hotline Designation Act of 2020:

A. Filing Information

1. Name of Filing Entity

Form box for Name of Filing Entity with header: State (Or Political Subdivision Thereof), Indian Tribe, Village, Regional Corporation, or Other Jurisdiction

2. Name, Title and Organization of Individual Filing Report

Table with 3 columns: Name, Title, Organization

B. Description of Authority Enabling Establishment of 988 Funding Mechanisms

1. Has your state, or any political subdivision, Indian Tribe, village, or regional corporation therein as defined by Section 4(a)(1) of the National Suicide Hotline Designation Act of 2020, established a funding mechanism designated for or imposed for the purposes of 988 support or implementation? Check one.

- Yes []
No []

If NO, end survey.

1a. If YES, provide a citation to the legal authority for the funding mechanism.

Form box for citation to the legal authority for the funding mechanism.

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2. Which of the following best describes the type of authority arrangement for the collection of 988 fees? Check one.

- The state (or political subdivision), Indian Tribe, village, or regional corporation collects the fees
- A local authority collects the fees
- A hybrid approach where two or more governing bodies
(e.g., state/political subdivision/Indian Tribe/village/regional corporation and local authority) collect the fees

3. Describe how the funds collected are made available to any state (or political subdivision), Indian Tribe, village, or regional corporation.

C. Description of State (Or Political Subdivision), Indian Tribe, Village, Regional Corporation, or Other Jurisdictional Authority That Determines How 988 Fees Are Spent

1. Indicate which entities in your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority have the authority to approve the expenditure of funds collected for 988 purposes.		
Jurisdiction	Authority to Approve Expenditure of Funds (Check one)	
	Yes	No
State, Indian Tribe, Village, or Regional Corporation	<input type="checkbox"/>	<input type="checkbox"/>
Local (e.g., political subdivision, county, city, municipality)	<input type="checkbox"/>	<input type="checkbox"/>
1b. Please briefly describe any limitations on the approval authority per jurisdiction (e.g., limited to fees collected by the entity, limited to wireline or wireless service, etc.).		

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2. Has your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority established a funding mechanism that mandates *how* collected funds can be used? *Check one.*

- Yes
- No

2a. If you checked YES, provide a legal citation to the funding mechanism of any such criteria.

2b. If you checked NO, describe how your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority decides how collected funds can be used.

D. Description of Uses of Collected 988 Fees

1. For the year ending December 31, 2022, provide a statement identifying with specificity all activities, programs, and organizations for whose benefit your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority has obligated or expended funds collected for 988 purposes, and how these activities, programs, and organizations support 988 services or enhancements of such services.

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2. Please identify the allowed uses of the collected funds. Check all that apply.			
Type of Cost		Yes	No
Operating Costs	Lease, purchase, maintenance of customer premises equipment (CPE) (hardware and software)	<input type="checkbox"/>	<input type="checkbox"/>
	Lease, purchase, maintenance of building/facility	<input type="checkbox"/>	<input type="checkbox"/>
Personnel Costs	Crisis counselors' salaries	<input type="checkbox"/>	<input type="checkbox"/>
	Training of crisis counselors	<input type="checkbox"/>	<input type="checkbox"/>
Administrative Costs	Program administration	<input type="checkbox"/>	<input type="checkbox"/>
	Travel expenses	<input type="checkbox"/>	<input type="checkbox"/>
	Administrative personnel	<input type="checkbox"/>	<input type="checkbox"/>
Mobile Dispatch Costs	Costs related to dispatch (e.g., equipment) of mobile crisis teams	<input type="checkbox"/>	<input type="checkbox"/>
Grant Programs	Grants paid for through the use of collected 988 fees	<input type="checkbox"/> If YES, see 2a.	<input type="checkbox"/>
Other	Other allowed uses for collected 988 fees	<input type="checkbox"/> If YES, see 2b.	<input type="checkbox"/>
<p>2a. During the year ending December 31, 2022, describe the grants that your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority paid for through the use of collected 988 fees, and the purpose of the grant.</p>			
<p>2b. During the year ending December 31, 2022, describe any other costs that your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority allows for use of collected 988 fees.</p>			

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E. Description of 988 Fees Collected

1. For the year ending December 31, 2022, please describe the amount of the fees or charges imposed for the implementation and support of 988 services. Please distinguish among state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority for each service type.		
Service Type	Fee/Charge Imposed	Jurisdiction Receiving Remittance <i>(e.g., state, county, local authority, Indian Tribe, village or regional corporation or a combination)</i>
Wireline		
Wireless		
Prepaid Wireless		
Voice Over Internet Protocol (VoIP)		
Other		

2. For the year ending December 31, 2022, please report the total amount collected pursuant to the assessed fees or charges described in Question E 1.

Service Type	Total Amount Collected (\$)
Wireline	
Wireless	
Prepaid Wireless	
Voice Over Internet Protocol (VoIP)	
Other - Interest	
Total	

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2a. If an amount cannot be provided, please explain why.

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3. Please identify any other sources of 988 funding.

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Question	Yes	No
<p>4. For the year ending December 31, 2022, were any 988 fees that were collected by your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority combined with any federal, state, local, Tribal, village, or regional corporation funds, grants, special collections, or general budget appropriations that were designated to support 988 services? <i>Check one.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4a. If YES, please describe the funds and amounts that were combined with 988 fees.</p>		

5. Please provide an estimate of the proportional contribution from each funding source towards the total cost to support 988 in your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdiction.	Percent
State/Indian Tribe/Village/Regional Corporation 988 Fees	%
Local/Political Subdivision 988 Fees	%
General Fund – State/Indian Tribe/Village/Regional Corporation	%
General Fund – County/Political Subdivision	%

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Federal Grants	%
State/Indian Tribe/Village/Regional Corporation Grants	%

F. Description of Diversion or Transfer of 988 Fees for Other Uses

Question	Yes	No
1. In the year ending December 31, 2022, were funds collected for 988 purposes by your state (or political subdivision), Indian Tribe, village, regional corporation, or other jurisdictional authority made available or used solely for the purposes designated by the funding mechanism? <i>Check one.</i>	<input type="checkbox"/>	<input type="checkbox"/>
1a. If NO, please identify what amount of funds collected for 988 purposes were made available or used for any purposes other than those designated by the funding mechanism, or were used for purposes otherwise unrelated to 988 implementation or support, including any funds transferred, loaned, or otherwise used for the state's general fund. Along with identifying the amount, please include a statement identifying the non-related purposes for which the collected 988 funds were made available or used.		
Amount of Funds (\$)	Identify the non-related purpose(s) for which the 988 funds were used. (Add lines as necessary)	