

116TH CONGRESS
2D SESSION

H. R. 5928

To repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9–1–1 obligations or expenditures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2020

Mr. WALDEN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9–1–1 obligations or expenditures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fee Integrity and Re-
5 sponsibilities and To Regain Essential Spectrum for Pub-
6 lic-safety Operators Needed to Deploy Equipment Reliably
7 Act of 2020” or the “FIRST RESPONDER Act of
8 2020”.

1 **SEC. 2. REPEAL OF REQUIREMENT TO REALLOCATE AND**
2 **AUCTION T-BAND SPECTRUM.**

3 (a) REPEAL.—Section 6103 of the Middle Class Tax
4 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)
5 is repealed.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1(b) of such Act is amended by striking the
8 item relating to section 6103.

9 **SEC. 3. CLARIFYING ACCEPTABLE 9-1-1 OBLIGATIONS OR**
10 **EXPENDITURES.**

11 Section 6 of the Wireless Communications and Public
12 Safety Act of 1999 (47 U.S.C. 615a–1) is amended—

13 (1) in subsection (f)—

14 (A) in paragraph (1), by striking “as spec-
15 ified in the provision of State or local law
16 adopting the fee or charge” and inserting “con-
17 sistent with the purposes and functions des-
18 igned in the final rules issued under para-
19 graph (3) as purposes and functions for which
20 the obligation or expenditure of such a fee or
21 charge is acceptable”;

22 (B) in paragraph (2), by striking “any
23 purpose other than the purpose for which any
24 such fees or charges are specified” and insert-
25 ing “any purpose or function other than the
26 purposes and functions designated in the final

1 rules issued under paragraph (3) as purposes
2 and functions for which the obligation or ex-
3 penditure of any such fees or charges is accept-
4 able”; and

5 (C) by adding at the end the following:

6 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-
7 TURES.—

8 “(A) RULES REQUIRED.—In order to pre-
9 vent diversion of 9–1–1 fees or charges, the
10 Commission shall, not later than 180 days after
11 the date of the enactment of this paragraph,
12 issue final rules designating purposes and func-
13 tions for which the obligation or expenditure of
14 9–1–1 fees or charges, by any State or taxing
15 jurisdiction authorized to impose such a fee or
16 charge, is acceptable.

17 “(B) PURPOSES AND FUNCTIONS.—The
18 purposes and functions designated under sub-
19 paragraph (A) shall be limited to the support
20 and implementation of 9–1–1 services provided
21 by or in the State or taxing jurisdiction impos-
22 ing the fee or charge and operational expenses
23 of public safety answering points within such
24 State or taxing jurisdiction.

1 “(C) CONSULTATION REQUIRED.—The
2 Commission shall consult with public safety or-
3 ganizations and States and taxing jurisdictions
4 as part of any proceeding under this paragraph.

5 “(D) DEFINITIONS.—In this paragraph:

6 “(i) 9–1–1 FEE OR CHARGE.—The
7 term ‘9–1–1 fee or charge’ means a fee or
8 charge applicable to commercial mobile
9 services or IP-enabled voice services spe-
10 cifically designated by a State or taxing ju-
11 risdiction for the support or implementa-
12 tion of 9–1–1 services.

13 “(ii) 9–1–1 SERVICES.—The term ‘9–
14 1–1 services’ has the meaning given such
15 term in section 158(e) of the National
16 Telecommunications and Information Ad-
17 ministration Organization Act (47 U.S.C.
18 942(e)).

19 “(iii) STATE OR TAXING JURISDIC-
20 TION.—The term ‘State or taxing jurisdic-
21 tion’ means a State, political subdivision
22 thereof, Indian Tribe, or village or regional
23 corporation serving a region established
24 pursuant to the Alaska Native Claims Set-
25 tlement Act (43 U.S.C. 1601 et seq.).

1 “(4) PARTICIPATION.—A State or taxing juris-
2 diction (as defined in paragraph (3)(D)) shall pro-
3 vide the information requested by the Commission to
4 prepare the report required by paragraph (2).”; and
5 (2) by adding at the end the following:

6 “(j) SEVERABILITY CLAUSE.—If any provision of this
7 section or the application thereof to any person or cir-
8 cumstance is held invalid, the remainder of this section
9 and the application of such provision to other persons or
10 circumstances shall not be affected thereby.”.

11 **SEC. 4. PROHIBITION ON 9–1–1 FEE OR CHARGE DIVERSION.**

12 (a) IN GENERAL.—If the Commission obtains evi-
13 dence that suggests the diversion by a State or taxing ju-
14 risdiction of 9–1–1 fees or charges, the Commission shall
15 submit such information to the interagency strike force
16 established under subsection (c).

17 (b) REPORT TO CONGRESS.—Beginning with the first
18 report under section 6(f)(2) of the Wireless Communica-
19 tions and Public Safety Act of 1999 (47 U.S.C. 615a–
20 1(f)(2)) that is required to be submitted after the date
21 that is 1 year after the date of the enactment of this Act,
22 the Commission shall include in each report required
23 under such section all evidence that suggests the diversion
24 by a State or taxing jurisdiction of 9–1–1 fees or charges.

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

3 (1) ESTABLISHMENT.—Not later than 180 days
4 after the date of the enactment of this Act, the
5 Commission shall establish an interagency strike
6 force to study how the Federal Government can
7 most expeditiously end diversion by a State or taxing
8 jurisdiction of 9–1–1 fees or charges. Such inter-
9 agency strike force shall be known as the “Ending
10 9–1–1 Fee Diversion Now Strike Force” (in this
11 section referred to as the “Strike Force”).

12 (2) DUTIES.—In carrying out the study under
13 paragraph (1), the Strike Force shall—

14 (A) determine the effectiveness of any Fed-
15 eral laws, including regulations, policies, and
16 practices, or budgetary or jurisdictional con-
17 straints regarding how the Federal Government
18 can most expeditiously end diversion by a State
19 or taxing jurisdiction of 9–1–1 fees or charges;
20 and

21 (B) consider whether criminal penalties
22 would further prevent diversion by a State or
23 taxing jurisdiction of 9–1–1 fees or charges.

24 (3) MEMBERS.—The Strike Force shall be com-
25 posed of such representatives of Federal depart-

1 ments and agencies as the Commission considers ap-
2 propriate, in addition to—

3 (A) State attorneys general;

4 (B) States or taxing jurisdictions found
5 not to be engaging in diversion of 9–1–1 fees
6 or charges;

7 (C) States or taxing jurisdictions trying to
8 stop the diversion of 9–1–1 fees or charges;

9 (D) State 9–1–1 administrators;

10 (E) public safety organizations;

11 (F) groups representing the public and
12 consumers; and

13 (G) groups representing public safety an-
14 swering point professionals.

15 (4) REPORT TO CONGRESS.—Not later than
16 270 days after the date of the enactment of this Act,
17 the Strike Force shall publish on the website of the
18 Commission and submit to the Committee on En-
19 ergy and Commerce of the House of Representatives
20 and the Committee on Commerce, Science, and
21 Transportation of the Senate a report on the find-
22 ings of the study under this subsection, including—

23 (A) any recommendations regarding how to
24 most expeditiously end the diversion by a State
25 or taxing jurisdiction of 9–1–1 fees or charges,

1 including actions that can be taken by Federal
2 departments and agencies and appropriate
3 changes to law or regulations; and

4 (B) a description of what progress, if any,
5 relevant Federal departments and agencies have
6 made in implementing the recommendations
7 under subparagraph (A).

8 (d) FAILURE TO COMPLY.—Notwithstanding any
9 other provision of law, any State or taxing jurisdiction
10 identified by the Commission in the report required under
11 section 6(f)(2) of the Wireless Communications and Public
12 Safety Act of 1999 (47 U.S.C. 615a–1(f)(2)) as engaging
13 in diversion of 9–1–1 fees or charges shall be ineligible
14 to participate or send a representative to serve on any
15 committee, panel, or council established under section
16 6205(a) of the Middle Class Tax Relief and Job Creation
17 Act of 2012 (47 U.S.C. 1425(a)) or any advisory com-
18 mittee established by the Commission.

19 (e) DEFINITIONS.—In this section:

20 (1) 9–1–1 FEE OR CHARGE.—The term “9–1–
21 1 fee or charge” has the meaning given such term
22 in subparagraph (D) of paragraph (3) of section 6(f)
23 of the Wireless Communications and Public Safety
24 Act of 1999, as added by this Act.

1 (2) COMMISSION.—The term “Commission”
2 means the Federal Communications Commission.

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

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

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