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

Mr. WALDEN introduced the following bill; which was referred to the Committee on _______________________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fee Integrity and Responsibilities and To Regain Essential Spectrum for Public-safety Operators Needed to Deploy Equipment Reliably
Act of 2020” or the “FIRST RESPONDER Act of 2020”.

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

(a) REPEAL.—Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is repealed.

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

SEC. 3. CLARIFYING ACCEPTABLE 9–1–1 OBLIGATIONS OR EXPENDITURES.

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

(1) in subsection (f)—

(A) in paragraph (1), by striking “as specified in the provision of State or local law adopting the fee or charge” and inserting “consistent with the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of such a fee or charge is acceptable”;

(B) in paragraph (2), by striking “any purpose other than the purpose for which any
such fees or charges are specified” and inserting “any purpose or function other than the purposes and functions designated in the final rules issued under paragraph (3) as purposes and functions for which the obligation or expenditure of any such fees or charges is acceptable”; and

(C) by adding at the end the following:

“(3) ACCEPTABLE OBLIGATIONS OR EXPENDITURES.—

“(A) RULES REQUIRED.—In order to prevent diversion of 9–1–1 fees or charges, the Commission shall, not later than 180 days after the date of the enactment of this paragraph, issue final rules designating purposes and functions for which the obligation or expenditure of 9–1–1 fees or charges, by any State or taxing jurisdiction authorized to impose such a fee or charge, is acceptable.

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

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

“(D) DEFINITIONS.—In this paragraph:

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

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

“(iii) STATE OR TAXING JURISDIC-
tion.—The term ‘State or taxing jurisdic-
tion’ means a State, political subdivision
thereof, 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.).

“(4) PARTICIPATION.—A State or taxing jurisdiction (as defined in paragraph (3)(D)) shall provide the information requested by the Commission to prepare the report required by paragraph (2).”; and

(2) by adding at the end the following:

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

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

(a) IN GENERAL.—If the Commission obtains evidence that suggests the diversion by a State or taxing jurisdiction of 9–1–1 fees or charges, the Commission shall submit such information to the interagency strike force established under subsection (c).

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

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

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

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

(A) determine the effectiveness of any Federal laws, including regulations, policies, and practices, or budgetary or jurisdictional constraints regarding how the Federal Government can most expeditiously end diversion by a State or taxing jurisdiction of 9–1–1 fees or charges; and

(B) consider whether criminal penalties would further prevent diversion by a State or taxing jurisdiction of 9–1–1 fees or charges.
(3) **MEMBERS.**—The Strike Force shall be composed of such representatives of Federal departments and agencies as the Commission considers appropriate, in addition to—

(A) State attorneys general;

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

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

(D) State 9–1–1 administrators;

(E) public safety organizations;

(F) groups representing the public and consumers; and

(G) groups representing public safety answering point professionals.

(4) **REPORT TO CONGRESS.**—Not later than 270 days after the date of the enactment of this Act, the Strike Force shall publish on the website of the Commission and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under this subsection, including—
(A) any recommendations regarding how to
most expeditiously end the diversion by a State
or taxing jurisdiction of 9–1–1 fees or charges,
including actions that can be taken by Federal
departments and agencies and appropriate
changes to law or regulations; and

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

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

(e) DEFINITIONS.—In this section:

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

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

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

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