

116TH CONGRESS
2D SESSION

H. R. 451

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Don’t Break Up the
3 T-Band Act of 2020”.

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

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8 is repealed.

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

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

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

16 (1) in subsection (f)—

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

25 (B) in paragraph (2), by striking “any
26 purpose other than the purpose for which any

1 such fees or charges are specified” and insert-
2 ing “any purpose or function other than the
3 purposes and functions designated in the final
4 rules issued under paragraph (3) as purposes
5 and functions for which the obligation or ex-
6 penditure of any such fees or charges is accept-
7 able”; and

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

9 “(3) ACCEPTABLE OBLIGATIONS OR EXPENDI-
10 TURES.—

11 “(A) RULES REQUIRED.—In order to pre-
12 vent diversion of 9–1–1 fees or charges, the
13 Commission shall, not later than 180 days after
14 the date of the enactment of this paragraph,
15 issue final rules designating purposes and func-
16 tions for which the obligation or expenditure of
17 9–1–1 fees or charges, by any State or taxing
18 jurisdiction authorized to impose such a fee or
19 charge, is acceptable.

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

1 of public safety answering points within such
2 State or taxing jurisdiction. In designating such
3 purposes and functions, the Commission shall
4 consider the purposes and functions that States
5 and taxing jurisdictions specify as the intended
6 purposes and functions for the 9-1-1 fees or
7 charges of such States and taxing jurisdictions,
8 and determine whether such purposes and func-
9 tions directly support providing 9-1-1 services.

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

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

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

22 “(ii) 9-1-1 SERVICES.—The term ‘9-
23 1-1 services’ has the meaning given such
24 term in section 158(e) of the National
25 Telecommunications and Information Ad-

1 ministration Organization Act (47 U.S.C.
2 942(e)).

3 “(iii) STATE OR TAXING JURISDIC-
4 TION.—The term ‘State or taxing jurisdic-
5 tion’ means a State, political subdivision
6 thereof, Indian Tribe, or village or regional
7 corporation serving a region established
8 pursuant to the Alaska Native Claims Set-
9 tlement Act (43 U.S.C. 1601 et seq.).

10 “(4) PARTICIPATION.—If a State or taxing ju-
11 risdiction (as defined in paragraph (3)(D)) receives
12 a grant under section 158 of the National Tele-
13 communications and Information Administration Or-
14 ganization Act (47 U.S.C. 942) after the date of the
15 enactment of this paragraph, such State or taxing
16 jurisdiction shall, as a condition of receiving such
17 grant, provide the information requested by the
18 Commission to prepare the report required by para-
19 graph (2).

20 “(5) PETITION REGARDING ADDITIONAL PUR-
21 POSES AND FUNCTIONS.—

22 “(A) IN GENERAL.—A State or taxing ju-
23 risdiction (as defined in paragraph (3)(D)) may
24 submit to the Commission a petition for a de-
25 termination that an obligation or expenditure of

1 a 9–1–1 fee or charge (as defined in such para-
2 graph) by such State or taxing jurisdiction for
3 a purpose or function other than a purpose or
4 function designated under paragraph (3)(A)
5 should be treated as such a purpose or function.
6 If the Commission finds that the State or tax-
7 ing jurisdiction has provided sufficient docu-
8 mentation to make the demonstration described
9 in subparagraph (B), the Commission shall
10 grant such petition.

11 “(B) DEMONSTRATION DESCRIBED.—The
12 demonstration described in this subparagraph is
13 a demonstration that the purpose or function—

14 “(i) supports public safety answering
15 point functions or operations; or

16 “(ii) has a direct impact on the ability
17 of a public safety answering point to—

18 “(I) receive or respond to 9–1–1
19 calls; or

20 “(II) dispatch emergency re-
21 sponders.”; and

22 (2) by adding at the end the following:

23 “(j) SEVERABILITY CLAUSE.—If any provision of this
24 section or the application thereof to any person or cir-
25 cumstance is held invalid, the remainder of this section

1 and the application of such provision to other persons or
2 circumstances shall not be affected thereby.”.

3 **SEC. 4. PROHIBITION ON 9-1-1 FEE OR CHARGE DIVERSION.**

4 (a) IN GENERAL.—If the Commission obtains evi-
5 dence that suggests the diversion by a State or taxing ju-
6 risdiction of 9-1-1 fees or charges, the Commission shall
7 submit such information, including any information re-
8 garding the impact of any underfunding of 9-1-1 services
9 in the State or taxing jurisdiction, to the interagency
10 strike force established under subsection (c).

11 (b) REPORT TO CONGRESS.—Beginning with the first
12 report under section 6(f)(2) of the Wireless Communica-
13 tions and Public Safety Act of 1999 (47 U.S.C. 615a-
14 1(f)(2)) that is required to be submitted after the date
15 that is 1 year after the date of the enactment of this Act,
16 the Commission shall include in each report required
17 under such section all evidence that suggests the diversion
18 by a State or taxing jurisdiction of 9-1-1 fees or charges,
19 including any information regarding the impact of any
20 underfunding of 9-1-1 services in the State or taxing ju-
21 risdiction.

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

24 (1) ESTABLISHMENT.—Not later than 180 days
25 after the date of the enactment of this Act, the

1 Commission shall establish an interagency strike
2 force to study how the Federal Government can
3 most expeditiously end diversion by a State or taxing
4 jurisdiction of 9–1–1 fees or charges. Such inter-
5 agency strike force shall be known as the “Ending
6 9–1–1 Fee Diversion Now Strike Force” (in this
7 section referred to as the “Strike Force”).

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

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

16 (B) consider whether criminal penalties
17 would further prevent diversion by a State or
18 taxing jurisdiction of 9–1–1 fees or charges;
19 and

20 (C) determine the impacts of diversion by
21 a State or taxing jurisdiction of 9–1–1 fees or
22 charges.

23 (3) MEMBERS.—The Strike Force shall be com-
24 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 **SEC. 5. RULE OF CONSTRUCTION.**

20 Nothing in this Act, the Wireless Communications
21 and Public Safety Act of 1999 (Public Law 106–81), or
22 the Communications Act of 1934 (47 U.S.C. 151 et seq.)
23 shall be construed to prevent a State or taxing jurisdiction
24 from requiring an annual audit of the books and records

1 of a provider of 9-1-1 services concerning the collection
2 and remittance of a 9-1-1 fee or charge.

3 **SEC. 6. DEFINITIONS.**

4 In this Act:

5 (1) 9-1-1 FEE OR CHARGE.—The term “9-1-
6 1 fee or charge” has the meaning given such term
7 in subparagraph (D) of paragraph (3) of section 6(f)
8 of the Wireless Communications and Public Safety
9 Act of 1999, as added by this Act.

10 (2) 9-1-1 SERVICES.—The term “9-1-1 serv-
11 ices” has the meaning given such term in section
12 158(e) of the National Telecommunications and In-
13 formation Administration Organization Act (47
14 U.S.C. 942(e)).

15 (3) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

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

