

to communities that they serve. Many programs and initiatives have been established to promote opportunities for women, minorities, veterans, and other socially disadvantaged individuals to participate in the media marketplace.

Of course, the media industry is only one small part of the vast communications marketplace that also includes mobile wireless providers, online video distributors, fixed broadband providers, and so on.

There are also new entrants in the tech industry who are providing additional opportunities for minorities, women, veterans, and underrepresented groups that make their voices heard. There is still work to do to make sure these voices and underserved communities are represented in traditional media and all other areas of the large communications marketplace, and this legislation will help.

I am glad to support this piece of bipartisan legislation that will allow the FCC to evaluate the market barriers socially disadvantaged individuals face in the communications marketplace.

Mr. Speaker, I urge my colleagues to support this important legislation to make sure all voices are heard, and I yield back the balance of my time.

Mr. McNERNEY. Mr. Speaker, H.R. 5567 promotes much needed diversity in the communications marketplace. As the Member who represents the most racially and ethnically diverse city in the country, Stockton, California, I want to make sure that the owners of broadcast and cable media outlets reflect our diverse population. H.R. 5567 is a step toward achieving that goal.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McNERNEY) that the House suspend the rules and pass the bill, H.R. 5567.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DON'T BREAK UP THE T-BAND ACT OF 2020

Mr. McNERNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 451) to repeal the section of the Middle Class Tax Relief and Job Creation Act of 2012 that requires the Federal Communications Commission to reallocate and auction the T-Band spectrum, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 451

*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 “Don’t Break Up the T-Band 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 subparagraph (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. In designating such purposes and functions, the Commission shall consider the purposes and functions that States and taxing jurisdictions specify as the intended purposes and functions for the 9-1-1 fees or charges of such States and taxing jurisdictions, and determine whether such purposes and functions directly support providing 9-1-1 services.

“(C) CONSULTATION REQUIRED.—The Commission shall consult with public safety organizations 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 specifically designated by a State or taxing jurisdiction for the support or implementation 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 Administration Organization Act (47 U.S.C. 942(e)).

“(iii) STATE OR TAXING JURISDICTION.—The term ‘State or taxing jurisdiction’ 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.—If a State or taxing jurisdiction (as defined in paragraph (3)(D))

receives a grant under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) after the date of the enactment of this paragraph, such State or taxing jurisdiction shall, as a condition of receiving such grant, provide the information requested by the Commission to prepare the report required by paragraph (2).

“(5) PETITION REGARDING ADDITIONAL PURPOSES AND FUNCTIONS.—

“(A) IN GENERAL.—A State or taxing jurisdiction (as defined in paragraph (3)(D)) may submit to the Commission a petition for a determination that an obligation or expenditure of a 9-1-1 fee or charge (as defined in such paragraph) by such State or taxing jurisdiction for a purpose or function other than a purpose or function designated under paragraph (3)(A) should be treated as such a purpose or function. If the Commission finds that the State or taxing jurisdiction has provided sufficient documentation to make the demonstration described in subparagraph (B), the Commission shall grant such petition.

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

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

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

“(I) receive or respond to 9-1-1 calls; or

“(II) dispatch emergency responders.”; 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, including any information regarding the impact of any underfunding of 9-1-1 services in the State or taxing jurisdiction, 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, including any information regarding the impact of any underfunding of 9-1-1 services in the State or taxing jurisdiction.

(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;

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

(C) determine the impacts of 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 committee established by the Commission.

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act, the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81), or the Communications Act of 1934 (47 U.S.C. 151 et seq.) shall be construed to prevent a State or taxing jurisdiction from requiring an annual audit of the books and records of a provider of 9-1-1 services concerning the collection and remittance of a 9-1-1 fee or charge.

#### SEC. 6. DEFINITIONS.

In this Act:

(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) 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 Administration Organization Act (47 U.S.C. 942(e)).

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

(4) 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.

(5) 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.

#### SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Montana (Mr. GIANFORTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. MCNERNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 451.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCNERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 451.

I am pleased that we are finally here on the floor considering this legislation to protect the public safety spectrum.

Since the 1970s, a band of spectrum known as the “T-Band” has been utilized by local and regional public safety officials, fire companies, and first responders. The T-Band is an indispensable radio channel that creates the backbone of the public safety communications systems in 11 major metro areas across the United States.

Yet, the T-Band is at risk because of a provision of the law that jeopardizes public safety and first responders’ ability to continue operations in that band.

Unless Congress acts, the Federal Communications Commission is required by law to clear out the current T-Band users, relocate them to a different channel, and prepare the T-Band for commercial auction. This would be a mistake for a number of reasons.

For starters, the cost of relocating every public safety T-Band user to a different band is roughly \$5 billion to \$6 billion, according to the Government Accountability Office.

That figure is hard to justify, especially when we consider that, under the current law, the cost of relocating all those incumbent users are supposed to

be covered by the proceeds from auctioning off the T-Band for commercial use.

The problem there is, even the most generous estimates put the potential T-Band auction proceeds at only \$1 billion to \$2 billion. Relative to other auctions, that is not very much. There is not a lot of demand for this kind of spectrum in the market, which means taxpayers would be on the hook for the other \$4 billion, roughly.

But make no mistake, we have heard loud and clear that the T-Band is perfect for public safety and first responder communications. Put simply, the T-Band is what our public safety personnel are used to, they don’t want to lose it, and letting them continue operating in that band saves the taxpayers up to \$4 billion.

With this bill, we are showing first responders and public safety personnel operating in the T-Band, who every day serve and protect more than 90 million Americans collectively, that we have their backs.

Mr. Speaker, I want to thank Representative ENGEL, the bill’s sponsor, for his years of leadership and persistence on this issue. I also want to thank Ranking Member WALDEN for working with us to get this bill to the floor today and appreciate his work to curb the diversion of 911 fees by States.

This is a commonsense bill that helps public safety personnel across the country, and it will ultimately save the taxpayers money in the long run. I am glad to see this legislation move out of the House today on a bipartisan basis and look forward to its consideration by the Senate and the President.

Mr. Speaker, I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 451, the Don’t Break Up the T-Band Act, as amended by the Energy and Commerce Committee to include provisions from Republican Leader Walden’s FIRST RESPONDER Act.

Today’s legislation will allow first responders to retain access to a critical band of spectrum as they continue to make plans to transition mission-critical voice functions to the FirstNet Network.

The bill also takes a strong stand against States that divert vital resources away from maintaining and upgrading their 911 systems by creating strong safeguards to help prevent diversion of fees collected for 911 operations.

Currently, States charge American consumers a monthly fee on their phone bills to support 911 services. Yet, some States do not use the money collected from this fee to support 911. Rather, they use it for other State priorities unrelated to providing critical 911 services or dispatching first responders during an emergency. In some cases, States siphon these funds directly into their general fund, and in

other cases States use these fees for other public safety-type expenses that do not directly support 911 services. Those States are currently classified by the FCC as 911 fee diverters.

To clarify what is considered a diversion, and what is considered to support 911 services, the bill directs the FCC to clarify its rules of what obligations or expenditures are acceptable. These rules would be crafted with input from States to ensure that appropriate 911 uses are included.

Additionally, if a State has expenditures that don't fit squarely within the eligible uses determined by the Commission, but can provide documentation and receipts to show how those expenditures support public safety answering point functions and operations or the ability to dispatch emergency responders, then the States ought to have an opportunity to challenge the acceptable nature of those expenses, and this bill provides for that as well.

For the States that are truly bad actors, I think we can all agree that those States should be held accountable for their shameful practice of diverting 911 fees for programs completely unrelated to 911 services. Misleading the public on something this important to public safety is unacceptable.

To that end, this bill sets up a strike force of State law enforcement officers, public safety officials, and others to consider potential criminal penalties to end fee diversion at its source. This strike force would also study jurisdictional, budgetary, and other barriers to ending diversion.

Mr. Speaker, I want to thank Mr. ENGEL and Chairman PALLONE for working with us to add this important language to the bill. I would also like to thank FCC Commissioner Michael O'Rielly, for his work on the issue. He has been a steadfast champion on trying to address this issue and hold States accountable to the fullest extent of the law.

Mr. Speaker, I urge support of this legislation by my colleagues, and I yield back the balance of my time.

Mr. MCNERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the minority manager, Mr. GIANFORTE, for his work this afternoon in managing the floor.

The T-Band is what our first responders and public safety personnel are used to. They don't want to lose it. And letting them continue in that band saves the taxpayers up to \$4 billion. That is why we must pass H.R. 451.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and pass the bill, H.R. 451, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCNERNEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

#### NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING ACT OF 2020

Mrs. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4866) to amend the 21st Century Cures Act to provide for designation of institutions of higher education that provide research, data, and leadership on continuous manufacturing as National Centers of Excellence in Continuous Pharmaceutical Manufacturing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4866

*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 "National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act of 2020".*

#### SEC. 2. NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING.

*(a) IN GENERAL.—Section 3016 of the 21st Century Cures Act (21 U.S.C. 399h) is amended to read as follows:*

#### "SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CONTINUOUS PHARMACEUTICAL MANUFACTURING.

*"(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs—*

*"(1) shall solicit and, beginning not later than one year after the date of enactment of the National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act of 2020, receive requests from institutions of higher education to be designated as a National Center of Excellence in Continuous Pharmaceutical Manufacturing (in this section referred to as a 'National Center of Excellence') to support the advancement and development of continuous manufacturing; and*

*"(2) shall so designate any institution of higher education that—*

*"(A) requests such designation; and*

*"(B) meets the criteria specified in subsection (c).*

*"(b) REQUEST FOR DESIGNATION.—A request for designation under subsection (a) shall be made to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Any such request shall include a description of how the institution of higher education meets or plans to meet each of the criteria specified in subsection (c).*

*"(c) CRITERIA FOR DESIGNATION DESCRIBED.—The criteria specified in this subsection with respect to an institution of higher education are that the institution has, as of the date of the submission of a request under subsection (a) by such institution—*

*"(1) physical and technical capacity for research and development of continuous manufacturing;*

*"(2) manufacturing knowledge-sharing networks with other institutions of higher education, large and small pharmaceutical manufacturers, generic and nonprescription manufac-*

*turers, contract manufacturers, and other entities;*

*"(3) proven capacity to design and demonstrate new, highly effective technology for use in continuous manufacturing;*

*"(4) a track record for creating and transferring knowledge with respect to continuous manufacturing;*

*"(5) the potential to train a future workforce for research on and implementation of advanced manufacturing and continuous manufacturing; and*

*"(6) experience in participating in and leading a continuous manufacturing technology partnership with other institutions of higher education, large and small pharmaceutical manufacturers, generic and nonprescription manufacturers, contract manufacturers, and other entities—*

*"(A) to support companies with continuous manufacturing in the United States;*

*"(B) to support Federal agencies with technical assistance, which may include regulatory and quality metric guidance as applicable, for advanced manufacturing and continuous manufacturing;*

*"(C) with respect to continuous manufacturing, to organize and conduct research and development activities needed to create new and more effective technology, capture and disseminate expertise, create intellectual property, and maintain technological leadership;*

*"(D) to develop best practices for designing continuous manufacturing; and*

*"(E) to assess and respond to the workforce needs for continuous manufacturing, including the development of training programs if needed.*

*"(d) TERMINATION OF DESIGNATION.—The Secretary may terminate the designation of any National Center of Excellence designated under this section if the Secretary determines such National Center of Excellence no longer meets the criteria specified in subsection (c). Not later than 60 days before the effective date of such a termination, the Secretary shall provide written notice to the National Center of Excellence, including the rationale for such termination.*

*"(e) CONDITIONS FOR DESIGNATION.—As a condition of designation as a National Center of Excellence under this section, the Secretary shall require that an institution of higher education enter into an agreement with the Secretary under which the institution agrees—*

*"(1) to collaborate directly with the Food and Drug Administration to publish the reports required by subsection (g);*

*"(2) to share data with the Food and Drug Administration regarding best practices and research generated through the funding under subsection (f);*

*"(3) to develop, along with industry partners (which may include large and small biopharmaceutical manufacturers, generic and nonprescription manufacturers, and contract manufacturers) and another institution or institutions designated under this section, if any, a roadmap for developing a continuous manufacturing workforce;*

*"(4) to develop, along with industry partners and other institutions designated under this section, a roadmap for strengthening existing, and developing new, relationships with other institutions; and*

*"(5) to provide an annual report to the Food and Drug Administration regarding the institution's activities under this section, including a description of how the institution continues to meet and make progress on the criteria listed in subsection (c).*

*"(f) FUNDING.—*

*"(1) IN GENERAL.—The Secretary shall award funding, through grants, contracts, or cooperative agreements, to the National Centers of Excellence designated under this section for the purpose of studying and recommending improvements to continuous manufacturing, including such improvements as may enable the Centers—*

*"(A) to continue to meet the conditions specified in subsection (e); and*