

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7022  
OFFERED BY MR. PFLUGER OF TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mystic Alerts Act”.

**3 SEC. 2. TRANSMISSION OF EMERGENCY ALERTS BY SAT-  
4 ELLITE.**

5 (a) SERVICE PROVIDER ELECTION.—

6 (1) REQUIRED FILING.—Not later than 60 days  
7 after the effective date of the final rule required to  
8 be issued under subsection (b), each covered service  
9 provider shall file an election with the Federal Com-  
10 munications Commission with respect to whether the  
11 provider intends to transmit emergency alerts by  
12 satellite to the subscribers of the commercial mobile  
13 service of the provider who receive such service on  
14 devices capable of receiving such alerts, in addition  
15 to the transmission of emergency alerts under the  
16 Warning Alert, and Response Network Act.

1           (2) NOTIFICATION; AGREEMENT.—If a provider  
2           elects to transmit emergency alerts to subscribers by  
3           satellite under paragraph (1), the provider shall—

4                   (A) notify the Commission of that election;  
5           and

6                   (B) agree to transmit such alerts in a  
7           manner consistent with the technical standards,  
8           protocols, procedures, and other technical re-  
9           quirements implemented by the Commission.

10          (3) ELECTION NOT TO TRANSMIT.—If a pro-  
11          vider elects not to transmit emergency alerts by sat-  
12          ellite under paragraph (1), the provider shall provide  
13          notice to new and existing subscribers described in  
14          such paragraph of that election in the same manner  
15          that is required under subparagraphs (B) and (C) of  
16          section 602(b)(1) of the Warning, Alert, and Re-  
17          sponse Network Act.

18          (4) CONSUMER CHOICE TO OPT OUT.—If a pro-  
19          vider elects to transmit emergency alerts to sub-  
20          scribers of such service by satellite under paragraph  
21          (1), the provider shall prevent the device of any such  
22          subscriber that opts out of receiving emergency  
23          alerts pursuant to section 602(b)(2)(E) of the Warn-  
24          ing, Alert, and Response Network Act, or classes of  
25          such alerts, from receiving such alerts by satellite.

1           (5) NO FEE FOR SERVICE.—If a provider elects  
2           to transmit emergency alerts to subscribers by sat-  
3           ellite under paragraph (1), the provider may not im-  
4           pose a separate or additional charge for such trans-  
5           mission or capability.

6           (b) SATELLITE ALERT REGULATIONS.—

7           (1) NOTICE OF PROPOSED RULEMAKING.—Not  
8           later than 6 months after the date of the enactment  
9           of this Act, the Commission shall publish a Notice  
10          of Proposed Rulemaking to establish any require-  
11          ments necessary to facilitate the satellite alerting ca-  
12          pability of covered service providers.

13          (2) REQUIREMENTS.—The requirements re-  
14          quired by paragraph (1) shall—

15                (A) take into account the capability of—

16                    (i) satellites to transmit emergency  
17                    alerts; and

18                    (ii) mobile devices to receive and dis-  
19                    play such alerts; and

20                (B) minimize the impact of emergency  
21                alerting on other voice and data communica-  
22                tions, including 9–1–1 communications.

23          (3) FINAL RULE.—Not later than 18 months  
24          after the date of the enactment of this Act, the  
25          Commission shall, in consultation with the Secretary

1 of Homeland Security and the Administrator of the  
2 Federal Emergency Management Agency, issue a  
3 final rule establishing the requirements described  
4 under paragraph (1).

5 (4) EFFECTIVE DATE OF RULE.—

6 (A) DATE.—The effective date of the final  
7 rule described under paragraph (3) shall be the  
8 later of—

9 (i) 36 months after publication of the  
10 final rule in the Federal Register; or

11 (ii) 12 months after the Secretary of  
12 Homeland Security and the Administrator  
13 of the Federal Emergency Management  
14 Agency implement any standards, proto-  
15 cols, or procedures necessary to support  
16 the transmission of emergency alerts from  
17 alert originators to covered service pro-  
18 viders, the Secretary and the Adminis-  
19 trator shall notify the Commission of such  
20 implementation.

21 (B) NOTIFICATION.—The Secretary of  
22 Homeland Security and the Administrator of  
23 the Federal Emergency Management Agency  
24 shall notify the Commission of the implementa-  
25 tion of any standards, protocols, or procedures

1 described under subparagraph (A)(ii) for the  
2 purpose of determining the effective date of the  
3 final rule described under paragraph (3).

4 (c) LIMITATION OF LIABILITY.—

5 (1) IN GENERAL.—Any covered service provider  
6 (including its officers, directors, employees, vendors,  
7 and agents) that transmits emergency alerts by sat-  
8 ellite and meets its obligations under this Act shall  
9 not be liable to any subscriber to, or user of, such  
10 person's service or equipment for—

11 (A) any act or omission related to or any  
12 harm resulting from the transmission of, or  
13 failure to transmit, an emergency alert by sat-  
14 ellite; or

15 (B) the release to a government agency or  
16 entity, public safety, fire service, law enforce-  
17 ment official, emergency medical service, or  
18 emergency facility of subscriber information  
19 used in connection with delivering such an alert.

20 (2) ELECTION NOT TO TRANSMIT ALERTS BY  
21 SATELLITE.—The election by a covered service pro-  
22 vider under subsection (a)(3) not to transmit emer-  
23 gency alerts by satellite shall not, by itself, provide  
24 a basis for liability against the provider (including

1 its officers, directors, employees, vendors, and  
2 agents).

3 (d) COVERED SERVICE PROVIDER.—In this Act,  
4 “covered service provider” means a provider of commercial  
5 mobile service that—

6 (1) voluntarily elects to transmit emergency  
7 alerts under section 602(b) of the Warning, Alert,  
8 and Response Network Act (Public Law 109–347;  
9 42 U.S.C. 1201); and

10 (2) makes satellite voice and data communica-  
11 tions service available to subscribers of the commer-  
12 cial mobile service of the provider.

