

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 1353

[Report No. 118-]

To direct the Federal Communications Commission to issue rules for the provision of emergency connectivity service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Mr. JOHNSON of Ohio (for himself and Ms. SCHRIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 3, 2023]

A BILL

To direct the Federal Communications Commission to issue rules for the provision of emergency connectivity service, 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 “Advanced, Local Emer-*
5 *gency Response Telecommunications Parity Act” or the*
6 *“ALERT Parity Act”.*

7 **SEC. 2. EMERGENCY CONNECTIVITY SERVICE.**

8 *(a) RULEMAKING REQUIRED.—*

9 *(1) IN GENERAL.—Not later than 18 months*
10 *after the date of the enactment of this Act, the Com-*
11 *mission shall issue rules for the provision of emer-*
12 *gency connectivity service under which—*

13 *(A) a person may submit to the Commis-*
14 *sion an application for approval to provide such*
15 *service to an area—*

16 *(i) that is an unserved area with re-*
17 *spect to either or both services described in*
18 *subsection (i)(5)(B); or*

19 *(ii) in the event that such area becomes*
20 *an unserved area with respect to either or*
21 *both such services due to destruction of in-*
22 *frastructure, a power outage, or any other*
23 *reason; and*

24 *(B) for any period during which such ap-*
25 *proval is in effect and such area is an unserved*

1 *area, such person will receive access to electro-*
2 *magnetic spectrum in accordance with subsection*
3 *(d) to provide emergency connectivity service to*
4 *such area.*

5 (2) *PROVIDER NOT LICENSEE.—The Commission*
6 *shall include in the rules issued under paragraph (1)*
7 *language to ensure that approval of an application to*
8 *provide emergency connectivity service under such*
9 *rules does not render the provider of such service a li-*
10 *cencee (as such term is defined in section 3 of the*
11 *Communications Act of 1934 (47 U.S.C. 153)).*

12 (3) *DEADLINE TO INITIATE RULEMAKING.—The*
13 *Commission shall initiate a rulemaking to issue the*
14 *rules required by paragraph (1) not later than 180*
15 *days after the date of the enactment of this Act.*

16 (b) *DEMONSTRATIONS.—In the rules issued under sub-*
17 *section (a), the Commission shall require a person who sub-*
18 *mits an application to provide emergency connectivity serv-*
19 *ice under such rules, in order for such application to be*
20 *approved, to demonstrate to the Commission the following:*

21 (1) *Such person has a technical proposal describ-*
22 *ing how such person plans to provide such service and*
23 *how the proposal complies with technical require-*
24 *ments included in such rules under subsection (d)(2).*

1 (2) *Such person will not use any electromagnetic*
2 *spectrum to which access is made available under*
3 *such rules to provide any service other than emer-*
4 *gency connectivity service, unless the other service is*
5 *provided under a separate authorization to use such*
6 *spectrum held by such person.*

7 (3) *Such service proposed can withstand the im-*
8 *act of major natural disasters, such as earthquakes,*
9 *hurricanes, wildfires, floods, blizzards, and tornados.*

10 (4) *Such person has the capability to begin pro-*
11 *viding such service in a rapid manner—*

12 (A) *in the case of an application to provide*
13 *such service to an area that is an unserved area*
14 *at the time at which the application is sub-*
15 *mitted, after the approval of the application; or*

16 (B) *in the case of an application to provide*
17 *such service to an area in the event that such*
18 *area becomes an unserved area due to destruc-*
19 *tion of infrastructure, a power outage, or any*
20 *other reason, after such area becomes an*
21 *unserved area.*

22 (c) *PUBLICATION OF LIST OF PROVIDERS.—The Com-*
23 *mission shall publish on the internet website of the Commis-*
24 *sion a list of all providers of emergency connectivity service*

1 *for which an approval is in effect to provide such service*
2 *under the rules issued under subsection (a).*

3 *(d) ACCESS TO ELECTROMAGNETIC SPECTRUM.—The*
4 *Commission shall include in the rules issued under sub-*
5 *section (a) the following:*

6 *(1) In the case of a provider of emergency*
7 *connectivity service that is approved to provide such*
8 *service to an area under such rules and that seeks ac-*
9 *cess to spectrum that another entity is authorized to*
10 *use, access to such spectrum shall be made available*
11 *to such provider only if such provider receives vol-*
12 *untary express written consent for such access from*
13 *such entity. An entity that receives a request for con-*
14 *sent under this paragraph shall reasonably engage*
15 *with the provider submitting the request and make a*
16 *determination with respect to such request in a timely*
17 *manner.*

18 *(2) With respect to providers of emergency*
19 *connectivity service that are approved to provide such*
20 *service to an area under such rules, technical require-*
21 *ments applicable to such providers that ensure that*
22 *the use of electromagnetic spectrum under a relevant*
23 *approval does not cause harmful interference to the*
24 *use of spectrum by another entity authorized to pro-*

1 *vide a service to such area or an adjacent geographic*
2 *area.*

3 *(e) AREAS UNSERVED WITH RESPECT TO BOTH SERV-*
4 *ICES.—In the case of an area that is an unserved area with*
5 *respect to both services described in subsection (i)(5)(B), the*
6 *rules issued under subsection (a) shall require that, if a pro-*
7 *vider approved to provide emergency connectivity service*
8 *to such area under such rules chooses to provide emergency*
9 *connectivity service to such area, such provider shall pro-*
10 *vide both services described in subsection (i)(5)(B) to such*
11 *area.*

12 *(f) LIMITATION OF LIABILITY.—*

13 *(1) TRANSMISSION OF ALERT MESSAGES.—Sec-*
14 *tion 602(e)(1) of the Warning, Alert, and Response*
15 *Network Act (47 U.S.C. 1201(e)(1)) shall apply to a*
16 *provider of emergency connectivity service (including*
17 *its officers, directors, employees, vendors, and agents)*
18 *with respect to the provision of such service (to the ex-*
19 *tent such service consists of the provision of the serv-*
20 *ice described in subsection (i)(5)(B)(i) of this section)*
21 *in accordance with the rules issued under subsection*
22 *(a) of this section, as if such provider were a provider*
23 *of commercial mobile service that transmits emer-*
24 *gency alerts and meets its obligations under such Act.*

25 *(2) PROVISION OF 9-1-1 SERVICE.—*

1 (A) *IN GENERAL.*—Section 4 of the Wireless
2 *Communications and Public Safety Act of 1999*
3 (47 U.S.C. 615a) is amended—

4 (i) in subsection (a)—

5 (I) by inserting “emergency
6 connectivity service provider,” after
7 “IP-enabled voice service provider,”;
8 and

9 (II) by inserting “emergency
10 connectivity service,” after “emergency
11 services,”;

12 (ii) in subsection (b)—

13 (I) by striking “IP-enabled voice
14 service or” and inserting “IP-enabled
15 voice service, emergency connectivity
16 service, or”; and

17 (II) by inserting “emergency
18 connectivity service,” after “IP-enabled
19 voice service,”; and

20 (iii) in subsection (c), by inserting
21 “emergency connectivity service,” after “IP-
22 enabled voice service,” each place it ap-
23 pears.

24 (B) *DEFINITIONS.*—Section 7 of the Wire-
25 less Communications and Public Safety Act of

1 1999 (47 U.S.C. 615b) is amended by adding at
2 the end the following:

3 “(11) *EMERGENCY CONNECTIVITY SERVICE*.—The
4 term ‘emergency connectivity service’ has the meaning
5 given such term in paragraph (5) of section 2(i) of
6 the *Advanced, Local Emergency Response Tele-*
7 *communications Parity Act*, to the extent such service
8 consists of the provision of the service described in
9 subparagraph (B)(ii) of such paragraph.

10 “(12) *EMERGENCY CONNECTIVITY SERVICE PRO-*
11 *VIDER*.—The term ‘emergency connectivity service
12 provider’ means a person who provides emergency
13 connectivity service in accordance with the rules
14 issued under section 2(a) of the *Advanced, Local*
15 *Emergency Response Telecommunications Parity*
16 *Act*.”.

17 (g) *REPORT TO CONGRESS*.—Not later than 1 year
18 after the date on which the Commission issues rules under
19 subsection (a), and annually thereafter, the Commission
20 shall submit to the Committee on Energy and Commerce
21 of the House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate a report
23 regarding the provision of emergency connectivity service
24 under such rules, which shall include a description of—

1 (1) *each instance during the preceding year that*
2 *emergency connectivity service was provided under*
3 *such rules; and*

4 (2) *each instance during the preceding year that*
5 *an entity authorized to use spectrum declined to pro-*
6 *vide, to a provider of emergency connectivity service,*
7 *the consent described in subsection (d)(1).*

8 (h) *RULES OF CONSTRUCTION.—Nothing in this sec-*
9 *tion may be construed to—*

10 (1) *provide the Commission with new authority*
11 *to regulate the terms, conditions, or rates applicable*
12 *to an agreement between 2 or more parties to facili-*
13 *tate the provision of emergency connectivity service;*

14 (2) *preclude the Commission, before it issues*
15 *rules under subsection (a), from permitting the use of*
16 *electromagnetic spectrum by a person that otherwise*
17 *meets the requirements of this section; or*

18 (3) *preclude the Commission from approving an*
19 *application to provide emergency connectivity service*
20 *under the rules issued under subsection (a) that pro-*
21 *poses using spectrum in a manner that is inconsistent*
22 *with the Table of Frequency Allocations.*

23 (i) *DEFINITIONS.—In this section:*

24 (1) *ALERT MESSAGE.—The term “alert message”*
25 *has the meaning given such term in section 10.10 of*

1 *title 47, Code of Federal Regulations (or any suc-*
2 *cessor regulation).*

3 (2) *COMMERCIAL MOBILE SERVICE.*—*The term*
4 *“commercial mobile service” has the meaning given*
5 *such term in section 332(d) of the Communications*
6 *Act of 1934 (47 U.S.C. 332(d)).*

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

9 (4) *COVERED DEVICE.*—*The term “covered de-*
10 *vice” means—*

11 (A) *a mobile device; or*

12 (B) *any other device that is capable of—*

13 (i) *receiving alert messages; and*

14 (ii) *providing emergency information*
15 *to a public safety answering point (which*
16 *may include enhanced 9–1–1 service).*

17 (5) *EMERGENCY CONNECTIVITY SERVICE.*—

18 (A) *IN GENERAL.*—*The term “emergency*
19 *connectivity service” means a service—*

20 (i) *to which covered devices are capable*
21 *of connecting—*

22 (I) *without any technical capa-*
23 *bility specific to such service; and*

1 (II) regardless of whether commer-
2 cial mobile service or any other service
3 is initialized on the device; and

4 (ii) that consists only of the provision
5 of a service described in subparagraph (B)
6 to an area that is an unserved area with re-
7 spect to such service.

8 (B) *SERVICES DESCRIBED.*—The services
9 described in this subparagraph are the following:

10 (i) Transmitting alert messages to cov-
11 ered devices.

12 (ii) Providing emergency information
13 from a covered device to a public safety an-
14 swering point (which may include enhanced
15 9–1–1 service).

16 (6) *ENHANCED 9–1–1 SERVICE.*—The term “en-
17 hanced 9–1–1 service” has the meaning given such
18 term in section 7 of the Wireless Communications and
19 Public Safety Act of 1999 (47 U.S.C. 615b).

20 (7) *MOBILE DEVICE.*—The term “mobile device”
21 has the meaning given such term in section 10.10 of
22 title 47, Code of Federal Regulations (or any suc-
23 cessor regulation).

24 (8) *PUBLIC SAFETY ANSWERING POINT.*—The
25 term “public safety answering point” has the mean-

1 *ing given such term in section 7 of the Wireless Com-*
2 *munications and Public Safety Act of 1999 (47*
3 *U.S.C. 615b).*

4 (9) *TABLE OF FREQUENCY ALLOCATIONS.—The*
5 *term “table of frequency allocations” means the*
6 *United States table of frequency allocations contained*
7 *in section 2.106 of title 47, Code of Federal Regula-*
8 *tions (or any successor regulation).*

9 (10) *UNSERVED AREA.—The term “unserved*
10 *area” means, with respect to a service described in*
11 *paragraph (5)(B), an area that, due to lack of infra-*
12 *structure, destruction of infrastructure, a power out-*
13 *age, or any other reason, has no provider of commer-*
14 *cial mobile service that is capable of providing such*
15 *service.*