

116TH CONGRESS
2D SESSION

H. R. 5926

To amend the Communications Act of 1934 to provide for expedient restoration of advanced communications service networks during times of emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2020

Mr. PALLONE (for himself and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for expedient restoration of advanced communications service networks during times of emergency, 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 “Reinforcing and Evalu-
5 ating Service Integrity, Local Infrastructure, and Emer-
6 gency Notification for Today’s Networks Act” or the “RE-
7 SILIENT Networks Act”.

1 **SEC. 2. NETWORK RESILIENCY COOPERATIVE REQUIRE-**
2 **MENTS.**

3 Title VII of the Communications Act of 1934 (47
4 U.S.C. 601 et seq.) is amended by adding at the end the
5 following:

6 **“SEC. 723. NETWORK RESILIENCY COOPERATIVE REQUIRE-**
7 **MENTS.**

8 “(a) **REQUIRED COORDINATED RESPONSE IN TIMES**
9 **OF EMERGENCY.—**

10 “(1) **IN GENERAL.—**Not later than 1 year after
11 the date of the enactment of this section, the Com-
12 mission, in consultation with the Secretary of Home-
13 land Security, shall conduct a proceeding and, after
14 public notice and an opportunity for comment, adopt
15 rules to provide for coordination among providers of
16 advanced communications service during times of
17 emergency.

18 “(2) **REQUIRED ASPECTS OF COORDINATION.—**
19 In issuing the rules required by paragraph (1), the
20 Commission shall require that, where technically fea-
21 sible—

22 “(A) providers of wireless advanced com-
23 munications service have in place reasonable
24 roaming and peering agreements for times of
25 emergency, which can be employed without ad-
26 ditional negotiation, as necessary; and

1 “(B) providers of advanced communica-
2 tions service have in place reasonable arrange-
3 ments for the provision of mutual aid for times
4 of emergency, as necessary.

5 “(b) REQUIRED ASSISTANCE FOR FIRST RESPOND-
6 ERS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of the enactment of this section, the Com-
9 mission shall, after public notice and an opportunity
10 for comment, adopt rules designed to improve co-
11 ordination for times of emergency between providers
12 of advanced communications service and public safe-
13 ty answering points and covered public safety enti-
14 ties.

15 “(2) PROVIDING DETAILED TIMELY NETWORK
16 OUTAGE DATA TO FIRST RESPONDERS.—In issuing
17 the rules required by paragraph (1), the Commission
18 shall—

19 “(A) make changes to the Disaster Infor-
20 mation Reporting System to facilitate the par-
21 ticipation in such System by all providers of ad-
22 vanced communications service;

23 “(B) require providers of advanced com-
24 munications service to participate in the Dis-

1 aster Information Reporting System during
2 times of emergency;

3 “(C) ensure information collected through
4 the Disaster Information Reporting System is
5 made available to public safety answering points
6 and covered public safety entities in those areas
7 where the Disaster Information Reporting Sys-
8 tem is activated in an easily accessible format
9 that—

10 “(i) facilitates the provision of such
11 information as soon as possible, in light of
12 efforts to remedy network disruption and
13 restore services, with reasonably sufficient
14 granularity and speed to help such public
15 safety answering points and covered public
16 safety entities understand the timing, na-
17 ture, and scope of reported disruptions to
18 the provision of advanced communications
19 service during times of emergency, includ-
20 ing disruptions to the provision of such
21 service to public safety answering points or
22 covered public safety entities;

23 “(ii) reflects the status of operations
24 of and disruptions affecting the individual
25 reporting provider’s network during times

1 of emergency and does not reflect the con-
2 tinued provision of advanced communica-
3 tions service using roaming and peering ar-
4 rangements; and

5 “(iii) allows such information to be
6 accessed through a secure internet website;
7 and

8 “(D) ensure that providers of advanced
9 communications service are not held liable for
10 outage reports based upon reasonable efforts to
11 identify accurately any such outages as soon as
12 reasonably practicable during times of emer-
13 gency that may later be determined to have
14 contained inaccurate information.

15 “(3) ACCESS AND SECURITY.—In issuing the
16 rules required by paragraph (1), the Commission
17 shall ensure that—

18 “(A) the information described in para-
19 graph (2)(C) is secured against access by any
20 person not authorized to access such informa-
21 tion and that persons authorized to access such
22 information are trained in reasonable security
23 measures to protect such information;

24 “(B) such information will be used by pub-
25 lic safety answering points and covered public

1 safety entities exclusively for the purpose of re-
2 sponding to public safety concerns during times
3 of emergency, and that public safety answering
4 points and covered public safety entities will be
5 required to notify the Commission and affected
6 providers of advanced communications service
7 as soon as reasonably practicable in the event
8 of any breach or other unauthorized use; and

9 “(C) the public continues to have access to
10 the information published by the Commission
11 on its websites in times of emergency in a man-
12 ner that is at least as accessible to the public
13 as before the date of the enactment of this sec-
14 tion.

15 “(c) COORDINATED RESPONSE MASTER DIREC-
16 TORY.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of the enactment of this section, the Com-
19 mission, in consultation with the Secretary of En-
20 ergy, shall, after public notice and an opportunity
21 for comment, establish a master point-of-contact di-
22 rectory to provide for effective communication be-
23 tween providers of advanced communications service,
24 tower owner or operators, and public safety answer-

1 ing points, covered public safety entities, and utili-
2 ties.

3 “(2) ACCESS AND SECURITY.—In establishing
4 the directory under paragraph (1), the Commission
5 shall ensure that—

6 “(A) the directory established under para-
7 graph (1) is secured against access by any per-
8 son not authorized to access such directory in-
9 formation and that persons authorized to access
10 such information are trained in reasonable se-
11 curity measures to protect such information;

12 “(B) such information is updated by the
13 Commission no less frequently than quarterly;
14 and

15 “(C) such information will be used by pub-
16 lic safety answering points and covered public
17 safety entities exclusively for the purpose of re-
18 sponding to public safety concerns, and that
19 public safety answering points and covered pub-
20 lic safety entities will be required to notify the
21 Commission and affected providers of advanced
22 communications service, tower owner or opera-
23 tors, and utilities as soon as reasonably prac-
24 ticable in the event of any breach or other un-
25 authorized use.

1 “(d) TRIENNIAL REVIEW OF COORDINATED RE-
2 SPONSE POLICIES.—

3 “(1) IN GENERAL.—Not later than the date
4 that is 4 years after the date of the enactment of
5 this section, and every 3 years thereafter, the Com-
6 mission shall, after public notice and an opportunity
7 for comment, evaluate whether the rules adopted
8 and directory established under this section, coupled
9 with any other actions that the Commission has
10 taken regarding network resiliency, are substantially
11 improving the resiliency of advanced communications
12 services in times of emergency.

13 “(2) ADDITIONAL ACTION.—If the Commission
14 finds in an evaluation under paragraph (1) that the
15 rules issued pursuant to this section and the direc-
16 tory established under this section, coupled with any
17 other actions that the Commission has taken regard-
18 ing network resiliency, are not substantially improv-
19 ing the resiliency of advanced communications serv-
20 ices, the Commission shall seek comment and con-
21 sider amending such rules and directory to take ad-
22 ditional action that may be necessary and within its
23 jurisdiction to help ensure those rules more effi-
24 ciently promote the resiliency of advanced commu-
25 nications services in times of emergency.

1 “(e) EXEMPTION FROM PAPERWORK REDUCTION
2 ACT.—Information collected under this section shall not
3 constitute a collection of information for the purposes of
4 subchapter I of chapter 35 of title 44, United States Code
5 (commonly referred to as the Paperwork Reduction Act).

6 “(f) DEFINITIONS.—In this section:

7 “(1) ADVANCED COMMUNICATIONS SERVICE.—
8 The term ‘advanced communications service’ has the
9 meaning given such term in section 3 and has the
10 meaning given to the term ‘advanced telecommuni-
11 cations capability’ in section 706 of the Tele-
12 communications Act of 1996 (47 U.S.C. 1302), but
13 such term shall not include the network of the First
14 Responder Network Authority established by section
15 6204 of the Middle Class Tax Relief and Job Cre-
16 ation Act of 2012 (47 U.S.C. 1424).

17 “(2) DISASTER INFORMATION REPORTING SYS-
18 TEM.—The term ‘Disaster Information Reporting
19 System’ means the system described in the public
20 notice released by the Commission on September 11,
21 2007 (DA 07–3871).

22 “(3) UTILITY.—The term ‘utility’ has the
23 meaning given to the term ‘distribution utility’ in
24 section 217 of the Federal Power Act (16 U.S.C.
25 824q).

1 “(4) PUBLIC SAFETY ANSWERING POINT.—The
2 term ‘public safety answering point’ has the meaning
3 given such term in section 222.

4 “(5) COVERED PUBLIC SAFETY ENTITY.—The
5 term ‘covered public safety entity’ is an entity re-
6 sponsible for emergency management functions dur-
7 ing times of emergency that is expressly authorized
8 by the Federal Emergency Management Agency or
9 Governor of a State as eligible to access outage in-
10 formation pursuant to subsections (b) and (c).

11 “(6) ROAMING.—The term ‘roaming’ means the
12 ability of a subscriber of wireless advanced commu-
13 nications service to originate or terminate a call, to
14 continue an in-progress call, or to transmit or re-
15 ceive data, using the facilities of a provider of wire-
16 less advanced communications service different than
17 the one with whom the subscriber has a direct pre-
18 existing service or financial relationship.

19 “(7) TIME OF EMERGENCY.—The term ‘time of
20 emergency’ means—

21 “(A) the time period of an emergency (as
22 defined in section 102 of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5122));

1 “(B) the time period that the Federal
2 Communications Commission activates the Dis-
3 aster Information Reporting System; or

4 “(C) the time period of an emergency as
5 declared by the Governor of a State.

6 “(8) TOWER OWNER OR OPERATOR.—The term
7 ‘tower owner or operator’ has the meaning given to
8 such term in section 427 of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5189e).

11 “(9) RESILIENCY.—The term ‘resiliency’ means
12 the ability to withstand and recover rapidly from dis-
13 ruptions. Resiliency includes the ability to withstand
14 and recover from deliberate attacks, accidents, or
15 naturally occurring threats or incidents.”.

16 **SEC. 3. STOPPING ACCIDENTAL CUTS TO COMMUNICA-**
17 **TIONS NETWORKS.**

18 (a) STUDY.—Not later than 180 days after the date
19 of the enactment of this Act, the Commission shall, in con-
20 sultation with the Secretary of Transportation, and after
21 public notice and an opportunity for comment, complete
22 a study on the feasibility of expanding the one-call notifi-
23 cation system programs under chapter 61 and section
24 60114 of title 49, United States Code, to cover advanced
25 communications service.

1 (b) CONSIDERATIONS.—In conducting the study
2 under subsection (a), the Commission shall consider addi-
3 tional solutions to prevent third-party damage to infra-
4 structure used in the provision of advanced communica-
5 tions service, including dig-once policies, and the use of
6 wireless backhaul.

7 (c) REPORT.—Not later than 270 days after the date
8 of the enactment of this Act, the Commission shall publish
9 on the website of the Commission and submit to the Com-
10 mittee on Energy and Commerce of the House of Rep-
11 resentatives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report detailing the
13 findings and recommendations of the study conducted
14 under subsection (a).

15 **SEC. 4. KEEPING ADVANCED COMMUNICATIONS SERVICE**
16 **OPERATIONAL.**

17 (a) COORDINATION BEST PRACTICES.—Not later
18 than 1 year after the date of the enactment of this Act,
19 the Commission, in consultation with the Secretary of En-
20 ergy, shall adopt, after public notice and an opportunity
21 for comment, a set of recommended best practices on how
22 providers of advanced communications service and utilities
23 should coordinate in order to ensure that advanced com-
24 munications service remains operational during times of
25 emergency and pre-planned power downs.

1 (b) MEASURES.—Not later than 1 year after the date
2 of the enactment of this Act, the Commission, in consulta-
3 tion with the Secretary of Energy and Secretary of Home-
4 land Security, shall—

5 (1) establish a process by which providers of
6 advanced communications service and utilities share
7 information regarding what infrastructure, used in
8 the provision of advanced communications service,
9 should be prioritized for reenergization to best re-
10 store critical parts of such providers' networks nec-
11 essary for emergency response and restoration ef-
12 forts, in a manner that promotes the most efficient
13 and effective use of resources during times of emer-
14 gency and pre-planned power downs;

15 (2) ensure that providers of advanced commu-
16 nications service take reasonable and technically fea-
17 sible measures to integrate backup power, including
18 generators and batteries, into such providers' net-
19 works to continue the provision of advanced commu-
20 nications service during and following times of emer-
21 gency and during pre-planned power downs with
22 particular focus on consumers' ability to send and
23 receive emergency communications;

24 (3) take all necessary, reasonable measures to
25 ensure appropriate coordination including at incident

1 command centers established during times of emer-
2 gency between utilities, covered public safety enti-
3 ties, providers of advanced communications service,
4 and, where appropriate, Federal, State, and local
5 representatives, to ensure such utilities, entities, and
6 providers—

7 (A) are aware of where infrastructure used
8 in the provision of advanced communications
9 service is located to avoid inadvertently dam-
10 aging such infrastructure and thereby delaying
11 restoration of advanced communications service
12 during and following times of emergency and
13 pre-planned power downs;

14 (B) communicate with each other on a reg-
15 ular and ongoing basis regarding the progress
16 of network restoration during and following
17 times of emergency and pre-planned power
18 downs; and

19 (C) are aware of their respective restora-
20 tion plans, priorities, and critical sites in ad-
21 vance of any emergency, as well as during and
22 following times of emergency and pre-planned
23 power downs; and

24 (4) ensure any and all information exchanged
25 pursuant to this section will be subject to reasonable

1 confidentiality protections, accessed only by author-
2 ized users responsible for coordination required by
3 this section, and used exclusively for the purpose of
4 ensuring advanced communications service remains
5 operational during and following times of emergency
6 and pre-planned power downs.

7 **SEC. 5. PROMOTING 5G RESILIENCY.**

8 (a) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act and after public notice and
10 an opportunity for comment, the Commission, in consulta-
11 tion with the Secretary of Homeland Security, shall pub-
12 lish on the website of the Commission and submit to the
13 Committee on Energy and Commerce of the House of
14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate, a report that
16 includes the following:

17 (1) An evaluation of any unique (with respect
18 to other forms of advanced communications service)
19 challenges or advantages of 5G wireless networks
20 with regard to the resiliency of such networks to
21 withstand disruptions during times of emergency.

22 (2) An analysis of the following:

23 (A) 5G wireless networks using high-band
24 frequencies of the electromagnetic spectrum.

1 (B) 5G wireless networks using low-band
2 frequencies of the electromagnetic spectrum.

3 (C) The backhaul requirements of 5G wire-
4 less networks.

5 (D) The power requirements of 5G wireless
6 networks.

7 (E) The potential uses of 5G wireless net-
8 works in responding to natural and manmade
9 disasters for public safety officials and the pub-
10 lic that are specific to 5G wireless networks.

11 (F) The uses of 5G wireless networks to
12 provide wireless emergency alerts and dispatch-
13 able location to public safety answering points.

14 (G) The uses of 5G wireless networks in
15 responding to natural and manmade disasters
16 in rural areas.

17 (3) Recommendations regarding regulatory or
18 statutory changes that could address any challenges
19 to, or better use any advantages of, 5G wireless net-
20 works with regard to the deployment and resiliency
21 of such networks.

22 (b) RULES MAY BE REQUIRED.—Not later than 2
23 years after the date the Commission submits its report,
24 the Commission shall consider whether to adopt rules or
25 issue best practices to address any challenges or better

1 use any advantages of 5G wireless networks with regard
2 to the resiliency of such networks are needed.

3 **SEC. 6. AUDIT OF FCC'S RESPONSE TO 2017 HURRICANE**
4 **SEASON IN PUERTO RICO.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a performance audit of the
7 Commission's efforts to restore advanced communications
8 service, and other communications services, in Puerto Rico
9 during, and following, the 2017 hurricane season.

10 (b) REQUIRED CONSIDERATIONS.—In conducting the
11 study under subsection (a), the Comptroller General shall
12 examine—

13 (1) the timeliness of the Commission's actions
14 to restore advanced communications service, and
15 other communications services, in Puerto Rico dur-
16 ing, and following, the 2017 hurricane season; and

17 (2) how the Commission responded following
18 the 2017 hurricane season in Puerto Rico as com-
19 pared to how the Commission responded to other
20 natural disasters, including hurricanes, previously or
21 subsequently.

22 (c) REPORT.—Not later than 18 months after the
23 date of the enactment of this Act, the Comptroller General
24 shall submit to the Committee on Energy and Commerce
25 of the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Senate a
2 report on the findings of the study under subsection (a),
3 including any recommendations.

4 (d) NO COMBINATION.—Such study and report re-
5 quired by subsection (a), (b), or (c) may not be combined
6 or associated with any other ongoing, or subsequently re-
7 quested, study by the Comptroller General.

8 (e) PROCEEDING.—Not later than 2 years after the
9 date of the enactment of this Act, the Commission shall
10 commence a proceeding regarding what actions are appro-
11 priate for the Commission to take in addressing the find-
12 ings and recommendations outlined in the report issued
13 under subsection (c).

14 **SEC. 7. RULE OF CONSTRUCTION.**

15 Nothing in this Act or the amendments made by this
16 Act shall affect the operation or authority of the First Re-
17 sponder Network Authority established by section 6204 of
18 the Middle Class Tax Relief and Job Creation Act of 2012
19 (47 U.S.C. 1424).

20 **SEC. 8. DEFINITIONS.**

21 In this Act:

22 (1) TERMS DEFINED IN SECTION 723 OF COM-
23 MUNICATIONS ACT OF 1934, AS AMENDED.—The
24 terms defined in section 723 of the Communications

1 Act of 1934, as added by section 2, have the mean-
2 ings given such terms in section 723.

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

○