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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

M____. _____ introduced the following bill; which was referred to the
Committee on _____

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.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of the enactment of this Act, the
3 Commission shall issue rules for the provision of
4 emergency connectivity service under which—

5 (A) a person may submit to the Commis-
6 sion an application for approval to provide such
7 service to an area—

8 (i) that is an unserved area with re-
9 spect to either or both services described in
10 subsection (i)(5)(B); or

11 (ii) in the event that such area be-
12 comes an unserved area with respect to ei-
13 ther or both such services due to destruc-
14 tion of infrastructure, a power outage, or
15 any other reason; and

16 (B) for any period during which such ap-
17 proval is in effect and such area is an unserved
18 area, such person will receive access to electro-
19 magnetic spectrum in accordance with sub-
20 section (d) to provide emergency connectivity
21 service to such area.

22 (2) PROVIDER NOT LICENSEE.—The Commis-
23 sion shall include in the rules issued under para-
24 graph (1) language to ensure that approval of an ap-
25 plication to provide emergency connectivity service

1 under such rules does not render the provider of
2 such service a licensee (as such term is defined in
3 section 3 of the Communications Act of 1934 (47
4 U.S.C. 153)).

5 (3) DEADLINE TO INITIATE RULEMAKING.—

6 The Commission shall initiate a rulemaking to issue
7 the rules required by paragraph (1) not later than
8 180 days after the date of the enactment of this Act.

9 (b) DEMONSTRATIONS.—In the rules issued under
10 subsection (a), the Commission shall require a person who
11 submits an application to provide emergency connectivity
12 service under such rules, in order for such application to
13 be approved, to demonstrate to the Commission the fol-
14 lowing:

15 (1) Such person has a technical proposal de-
16 scribing how such person plans to provide such serv-
17 ice and how the proposal complies with technical re-
18 quirements included in such rules under subsection
19 (d)(2).

20 (2) Such person will not use any electro-
21 magnetic spectrum to which access is made available
22 under such rules to provide any service other than
23 emergency connectivity service, unless the other
24 service is provided under a separate authorization to
25 use such spectrum held by such person.

1 (3) Such service proposed can withstand the
2 impact of major natural disasters, such as earth-
3 quakes, hurricanes, wildfires, floods, blizzards, and
4 tornados.

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

7 (A) in the case of an application to provide
8 such service to an area that is an unserved area
9 at the time at which the application is sub-
10 mitted, after the approval of the application; or

11 (B) in the case of an application to provide
12 such service to an area in the event that such
13 area becomes an unserved area due to destruc-
14 tion of infrastructure, a power outage, or any
15 other reason, after such area becomes an
16 unserved area.

17 (c) PUBLICATION OF LIST OF PROVIDERS.—The
18 Commission shall publish on the internet website of the
19 Commission a list of all providers of emergency
20 connectivity service for which an approval is in effect to
21 provide such service under the rules issued under sub-
22 section (a).

23 (d) ACCESS TO ELECTROMAGNETIC SPECTRUM.—
24 The Commission shall include in the rules issued under
25 subsection (a) the following:

1 (1) In the case of a provider of emergency
2 connectivity service that is approved to provide such
3 service to an area under such rules and that seeks
4 access to spectrum that another entity is authorized
5 to use, access to such spectrum shall be made avail-
6 able to such provider only if such provider receives
7 voluntary express written consent for such access
8 from such entity. An entity that receives a request
9 for consent under this paragraph shall reasonably
10 engage with the provider submitting the request and
11 make a determination with respect to such request
12 in a timely manner.

13 (2) With respect to providers of emergency
14 connectivity service that are approved to provide
15 such service to an area under such rules, technical
16 requirements applicable to such providers that en-
17 sure that the use of electromagnetic spectrum under
18 a relevant approval does not cause harmful inter-
19 ference to the use of spectrum by another entity au-
20 thorized to provide a service to such area or an adja-
21 cent geographic area.

22 (e) AREAS UNSERVED WITH RESPECT TO BOTH
23 SERVICES.—In the case of an area that is an unserved
24 area with respect to both services described in subsection
25 (i)(5)(B), the rules issued under subsection (a) shall re-

1 quire that, if a provider approved to provide emergency
2 connectivity service to such area under such rules chooses
3 to provide emergency connectivity service to such area,
4 such provider shall provide both services described in sub-
5 section (i)(5)(B) to such area.

6 (f) LIMITATION OF LIABILITY.—

7 (1) TRANSMISSION OF ALERT MESSAGES.—Sec-
8 tion 602(e)(1) of the Warning, Alert, and Response
9 Network Act (47 U.S.C. 1201(e)(1)) shall apply to
10 a provider of emergency connectivity service (includ-
11 ing its officers, directors, employees, vendors, and
12 agents) with respect to the provision of such service
13 (to the extent such service consists of the provision
14 of the service described in subsection (i)(5)(B)(i) of
15 this section) in accordance with the rules issued
16 under subsection (a) of this section, as if such pro-
17 vider were a provider of commercial mobile service
18 that transmits emergency alerts and meets its obli-
19 gations under such Act.

20 (2) PROVISION OF 9–1–1 SERVICE.—

21 (A) IN GENERAL.—Section 4 of the Wire-
22 less Communications and Public Safety Act of
23 1999 (47 U.S.C. 615a) is amended—

24 (i) in subsection (a)—

1 (I) by inserting “emergency
2 connectivity service provider,” after
3 “IP-enabled voice service provider,”;
4 and

5 (II) by inserting “emergency
6 connectivity service,” after “emer-
7 gency services,”;

8 (ii) in subsection (b)—

9 (I) by striking “IP-enabled voice
10 service or” and inserting “IP-enabled
11 voice service, emergency connectivity
12 service, or”; and

13 (II) by inserting “emergency
14 connectivity service,” after “IP-en-
15 abled voice service,”; and

16 (iii) in subsection (c), by inserting
17 “emergency connectivity service,” after
18 “IP-enabled voice service,” each place it
19 appears.

20 (B) DEFINITIONS.—Section 7 of the Wire-
21 less Communications and Public Safety Act of
22 1999 (47 U.S.C. 615b) is amended by adding
23 at the end the following:

24 “(11) EMERGENCY CONNECTIVITY SERVICE.—

25 The term ‘emergency connectivity service’ has the

1 meaning given such term in paragraph (5) of section
2 2(i) of the Advanced, Local Emergency Response
3 Telecommunications Parity Act, to the extent such
4 service consists of the provision of the service de-
5 scribed in subparagraph (B)(ii) of such paragraph.

6 “(12) EMERGENCY CONNECTIVITY SERVICE
7 PROVIDER.—The term ‘emergency connectivity serv-
8 ice provider’ means a person who provides emer-
9 gency connectivity service in accordance with the
10 rules issued under section 2(a) of the Advanced,
11 Local Emergency Response Telecommunications
12 Parity Act.”.

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

22 (1) each instance during the preceding year
23 that emergency connectivity service was provided
24 under such rules; and

1 (2) each instance during the preceding year
2 that an entity authorized to use spectrum declined
3 to provide, to a provider of emergency connectivity
4 service, the consent described in subsection (d)(1).

5 (h) RULES OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed to—

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

11 (2) preclude the Commission, before it issues
12 rules under subsection (a), from permitting the use
13 of electromagnetic spectrum by a person that other-
14 wise meets the requirements of this section; or

15 (3) preclude the Commission from approving an
16 application to provide emergency connectivity service
17 under the rules issued under subsection (a) that pro-
18 poses using spectrum in a manner that is incon-
19 sistent with the Table of Frequency Allocations.

20 (i) DEFINITIONS.—In this section:

21 (1) ALERT MESSAGE.—The term “alert mes-
22 sage” has the meaning given such term in section
23 10.10 of title 47, Code of Federal Regulations (or
24 any successor regulation).

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

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

7 (4) COVERED DEVICE.—The term “covered de-
8 vice” means—

9 (A) a mobile device; or

10 (B) any other device that is capable of—

11 (i) receiving alert messages; and

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

15 (5) EMERGENCY CONNECTIVITY SERVICE.—

16 (A) IN GENERAL.—The term “emergency
17 connectivity service” means a service—

18 (i) to which covered devices are capa-
19 ble of connecting—

20 (I) without any technical capa-
21 bility specific to such service; and

22 (II) regardless of whether com-
23 mercial mobile service or any other
24 service is initialized on the device; and

1 (ii) that consists only of the provision
2 of a service described in subparagraph (B)
3 to an area that is an unserved area with
4 respect to such service.

5 (B) SERVICES DESCRIBED.—The services
6 described in this subparagraph are the fol-
7 lowing:

8 (i) Transmitting alert messages to
9 covered devices.

10 (ii) Providing emergency information
11 from a covered device to a public safety
12 answering point (which may include en-
13 hanced 9–1–1 service).

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

18 (7) MOBILE DEVICE.—The term “mobile de-
19 vice” has the meaning given such term in section
20 10.10 of title 47, Code of Federal Regulations (or
21 any successor regulation).

22 (8) PUBLIC SAFETY ANSWERING POINT.—The
23 term “public safety answering point” has the mean-
24 ing given such term in section 7 of the Wireless

1 Communications and Public Safety Act of 1999 (47
2 U.S.C. 615b).

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

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