

[DISCUSSION DRAFT]118TH 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

Mr. JOHNSON of Ohio 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 (g)(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 under subsection (d) to pro-
20 vide emergency connectivity service to such
21 area.

22 (2) DEADLINE TO INITIATE RULEMAKING.—
23 The Commission shall initiate a rulemaking to issue
24 the rules required by paragraph (1) not later than
25 180 days after the date of the enactment of this Act.

1 (b) CERTIFICATIONS.—In the rules issued under sub-
2 section (a), the Commission shall require a person who
3 submits an application under such rules to provide emer-
4 gency connectivity service, in order for such application
5 to be approved, to certify to the Commission the following:

6 (1) Such person has a technical proposal de-
7 scribing how such person plans to provide such serv-
8 ice.

9 (2) Such person will not use any electro-
10 magnetic spectrum to which access is made available
11 under subsection (d) to provide any service other
12 than emergency connectivity service, unless such
13 other service is provided under a separate authoriza-
14 tion to use such spectrum held by such person.

15 (3) Such service can withstand the impact of
16 major natural disasters, such as earthquakes, hurri-
17 canes, wildfires, floods, blizzards, and tornados.

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

20 (A) in the case of an application to provide
21 emergency connectivity service to an area that
22 is an unserved area at the time at which the ap-
23 plication is submitted, after the approval of the
24 application; or

1 (B) in the case of an application to provide
2 emergency connectivity service to an area in the
3 event that such area becomes an unserved area
4 due to destruction of infrastructure, a power
5 outage, or any other reason, after such area be-
6 comes an unserved area.

7 (c) PUBLICATION OF LIST OF PROVIDERS.—The
8 Commission shall publish on the internet website of the
9 Commission a list of all providers of emergency
10 connectivity service for which an approval is in effect to
11 provide such service under the rules issued under sub-
12 section (a).

13 (d) ACCESS TO ELECTROMAGNETIC SPECTRUM.—
14 The Commission shall include in the rules issued under
15 subsection (a) service rules that make available, to a pro-
16 vider of emergency connectivity service for which an ap-
17 proval to provide such service to an unserved area is in
18 effect under the rules issued under such subsection, access
19 to electromagnetic spectrum to provide such service to
20 such area, to the extent such provider needs such access
21 to provide such service. Such service rules shall provide
22 that use of electromagnetic spectrum under such service
23 rules may not cause harmful interference to the use of
24 such spectrum by a licensee who holds a license to use
25 such spectrum.

1 (e) AREAS UNSERVED WITH RESPECT TO BOTH
2 SERVICES.—In the case of an area that is an unserved
3 area with respect to both services described in subsection
4 (g)(5)(B), the rules issued under subsection (a) shall re-
5 quire that, if a provider for which an approval to provide
6 emergency connectivity service to such area is in effect
7 under such rules chooses to provide emergency
8 connectivity service to such area, such provider shall pro-
9 vide both services described in subsection (g)(5)(B) to
10 such area.

11 (f) LIMITATION OF LIABILITY.—

12 (1) TRANSMISSION OF ALERT MESSAGES.—Sec-
13 tion 602(e)(1) of the Warning, Alert, and Response
14 Network Act (47 U.S.C. 1201(e)(1)) shall apply to
15 a provider of emergency connectivity service (includ-
16 ing its officers, directors, employees, vendors, and
17 agents) with respect to the provision of such service
18 (to the extent such service consists of the provision
19 of the service described in subsection (g)(5)(B)(i)) in
20 accordance with the rules issued under subsection
21 (a), as if such provider were a provider of commer-
22 cial mobile service that transmits alert messages and
23 meets its obligations under such Act.

24 (2) PROVISION OF 9–1–1 SERVICE.—

1 (A) IN GENERAL.—Section 4 of the Wire-
2 less Communications and Public Safety Act of
3 1999 (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 “emer-
11 gency 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-en-
19 abled voice service,”; and

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

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
2 at the end the following:

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

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

17 (g) DEFINITIONS.—In this section:

18 (1) ALERT MESSAGE.—The term “alert mes-
19 sage” has the meaning given such term in section
20 10.10 of title 47, Code of Federal Regulations (or
21 any successor regulation).

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

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

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

5 (A) a mobile device; or

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

7 (i) receiving alert messages; and

8 (ii) providing emergency information

9 to a public safety answering point (which
10 may include enhanced 9–1–1 service).

11 (5) EMERGENCY CONNECTIVITY SERVICE.—

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

14 (i) to which covered devices are capa-
15 ble of connecting—

16 (I) without any technical capa-
17 bility specific to such service; and

18 (II) regardless of whether com-
19 mercial mobile service or any other
20 service is initialized on the device; and

21 (ii) that consists only of the provision
22 of a service described in subparagraph (B)
23 to an area that is an unserved area with
24 respect to such service, which shall include
25 the provision of both such services if such

1 area is an unserved area with respect to
2 both such services.

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

6 (i) Transmitting alert messages to
7 covered devices.

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

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

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

20 (8) PUBLIC SAFETY ANSWERING POINT.—The
21 term “public safety answering point” has the mean-
22 ing given such term in section 7 of the Wireless
23 Communications and Public Safety Act of 1999 (47
24 U.S.C. 615b).

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