

ADVANCED, LOCAL EMERGENCY RESPONSE  
TELECOMMUNICATIONS PARITY ACT

APRIL 24, 2023.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and  
Commerce, submitted the following

R E P O R T

[To accompany H.R. 1353]

The Committee on Energy and Commerce, to whom was referred  
the bill (H.R. 1353) to direct the Federal Communications Commis-  
sion to issue rules for the provision of emergency connectivity serv-  
ice, and for other purposes, having considered the same, reports fa-  
vorably thereon with an amendment and recommends that the bill  
as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Advanced, Local Emergency Response Telecommunications Parity Act” or the “ALERT Parity Act”.

**SEC. 2. EMERGENCY CONNECTIVITY SERVICE.****(a) RULEMAKING REQUIRED.—**

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

(A) a person may submit to the Commission an application for approval to provide such service to an area—

(i) that is an unserved area with respect to either or both services described in subsection (i)(5)(B); or

(ii) in the event that such area becomes an unserved area with respect to either or both such services due to destruction of infrastructure, a power outage, or any other reason; and

(B) for any period during which such approval is in effect and such area is an unserved area, such person will receive access to electromagnetic spectrum in accordance with subsection (d) to provide emergency connectivity service to such area.

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

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

(b) **DEMONSTRATIONS.**—In the rules issued under subsection (a), the Commission shall require a person who submits an application to provide emergency connectivity service under such rules, in order for such application to be approved, to demonstrate to the Commission the following:

(1) Such person has a technical proposal describing how such person plans to provide such service and how the proposal complies with technical requirements included in such rules under subsection (d)(2).

(2) Such person will not use any electromagnetic spectrum to which access is made available under such rules to provide any service other than emergency connectivity service, unless the other service is provided under a separate authorization to use such spectrum held by such person.

(3) Such service proposed can withstand the impact of major natural disasters, such as earthquakes, hurricanes, wildfires, floods, blizzards, and tornados.

(4) Such person has the capability to begin providing such service in a rapid manner—

(A) in the case of an application to provide such service to an area that is an unserved area at the time at which the application is submitted, after the approval of the application; or

(B) in the case of an application to provide such service to an area in the event that such area becomes an unserved area due to destruction of infrastructure, a power outage, or any other reason, after such area becomes an unserved area.

(c) **PUBLICATION OF LIST OF PROVIDERS.**—The Commission shall publish on the internet website of the Commission a list of all providers of emergency connectivity service for which an approval is in effect to provide such service under the rules issued under subsection (a).

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

(1) In the case of a provider of emergency connectivity service that is approved to provide such service to an area under such rules and that seeks access to spectrum that another entity is authorized to use, access to such spectrum shall be made available to such provider only if such provider receives voluntary express written consent for such access from such entity. An entity that receives a request for consent under this paragraph shall reasonably engage with the provider submitting the request and make a determination with respect to such request in a timely manner.

(2) With respect to providers of emergency connectivity service that are approved to provide such service to an area under such rules, technical requirements applicable to such providers that ensure that the use of electromagnetic spectrum under a relevant approval does not cause harmful interference to the

use of spectrum by another entity authorized to provide a service to such area or an adjacent geographic area.

(e) **AREAS UNSERVED WITH RESPECT TO BOTH SERVICES.**—In the case of an area that is an unserved area with respect to both services described in subsection (i)(5)(B), the rules issued under subsection (a) shall require that, if a provider approved to provide emergency connectivity service to such area under such rules chooses to provide emergency connectivity service to such area, such provider shall provide both services described in subsection (i)(5)(B) to such area.

(f) **LIMITATION OF LIABILITY.**—

(1) **TRANSMISSION OF ALERT MESSAGES.**—Section 602(e)(1) of the Warning, Alert, and Response Network Act (47 U.S.C. 1201(e)(1)) shall apply to a provider of emergency connectivity service (including its officers, directors, employees, vendors, and agents) with respect to the provision of such service (to the extent such service consists of the provision of the service described in subsection (i)(5)(B)(i) of this section) in accordance with the rules issued under subsection (a) of this section, as if such provider were a provider of commercial mobile service that transmits emergency alerts and meets its obligations under such Act.

(2) **PROVISION OF 9–1–1 SERVICE.**—

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

(i) in subsection (a)—

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

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

(ii) in subsection (b)—

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

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

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

(B) **DEFINITIONS.**—Section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b) is amended by adding at the end the following:

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

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

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

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

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

(h) **RULES OF CONSTRUCTION.**—Nothing in this section may be construed to—

(1) provide the Commission with new authority to regulate the terms, conditions, or rates applicable to an agreement between 2 or more parties to facilitate the provision of emergency connectivity service;

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

(3) preclude the Commission from approving an application to provide emergency connectivity service under the rules issued under subsection (a) that proposes using spectrum in a manner that is inconsistent with the Table of Frequency Allocations.

(i) **DEFINITIONS.**—In this section:

- (1) ALERT MESSAGE.—The term “alert message” has the meaning given such term in section 10.10 of title 47, Code of Federal Regulations (or any successor regulation).
- (2) COMMERCIAL MOBILE SERVICE.—The term “commercial mobile service” has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).
- (3) COMMISSION.—The term “Commission” means the Federal Communications Commission.
- (4) COVERED DEVICE.—The term “covered device” means—
- (A) a mobile device; or
  - (B) any other device that is capable of—
    - (i) receiving alert messages; and
    - (ii) providing emergency information to a public safety answering point (which may include enhanced 9–1–1 service).
- (5) EMERGENCY CONNECTIVITY SERVICE.—
- (A) IN GENERAL.—The term “emergency connectivity service” means a service—
    - (i) to which covered devices are capable of connecting—
      - (I) without any technical capability specific to such service; and
      - (II) regardless of whether commercial mobile service or any other service is initialized on the device; and
    - (ii) that consists only of the provision of a service described in subparagraph (B) to an area that is an unserved area with respect to such service.
  - (B) SERVICES DESCRIBED.—The services described in this subparagraph are the following:
    - (i) Transmitting alert messages to covered devices.
    - (ii) Providing emergency information from a covered device to a public safety answering point (which may include enhanced 9–1–1 service).
- (6) ENHANCED 9–1–1 SERVICE.—The term “enhanced 9–1–1 service” has the meaning given such term in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b).
- (7) MOBILE DEVICE.—The term “mobile device” has the meaning given such term in section 10.10 of title 47, Code of Federal Regulations (or any successor regulation).
- (8) PUBLIC SAFETY ANSWERING POINT.—The term “public safety answering point” has the meaning given such term in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b).
- (9) TABLE OF FREQUENCY ALLOCATIONS.—The term “table of frequency allocations” means the United States table of frequency allocations contained in section 2.106 of title 47, Code of Federal Regulations (or any successor regulation).
- (10) UNSERVED AREA.—The term “unserved area” means, with respect to a service described in paragraph (5)(B), an area that, due to lack of infrastructure, destruction of infrastructure, a power outage, or any other reason, has no provider of commercial mobile service that is capable of providing such service.

#### PURPOSE AND SUMMARY

H.R. 1353 would require the Federal Communications Commission (Commission) to issue rules within 18 months of enactment to establish an application process for entities seeking to provide emergency connectivity service (wireless emergency alerts and 9–1–1 service) to areas where emergency connectivity service is not available on a long-term or temporary basis. The bill would also require the Commission to establish service rules whereby providers of emergency connectivity service may seek approval from a licensee to access spectrum held by the licensee, subject to approval by the licensee, but that use of the spectrum to provide emergency connectivity service may not cause interference to a licensee that holds the license or a licensee geographically adjacent to the use of the spectrum for emergency connectivity service. Finally, H.R. 1353 would amend the Warning, Alert, and Response Network Act to add emergency connectivity service to the list of services that receive liability protection for providing the service.

## BACKGROUND AND NEED FOR LEGISLATION

Significant areas of the United States are currently unserved by broadband or mobile wireless service, and therefore unserved by emergency communications services. Other areas of the United States currently receive access to wireless emergency alerts and 9–1–1 service, but natural disasters or other circumstances can damage or destroy terrestrial communications infrastructure and temporarily render an area unserved with respect to those services. In these dead zones, Americans may be unable to reach emergency services when an emergency arises. For example, after natural disasters like hurricanes or wildfires, affected residents may be left without the ability to connect to first responders. This disconnect may last for days or weeks, long after the winds, waters, or flames subside. When a natural disaster damages or destroys a communications network, other technologies are available that could provide emergency connectivity service from non-terrestrial networks. These technologies, however, raise novel questions regarding the use of spectrum, and it is necessary to ensure that there are rules that facilitate the provision of emergency connectivity service that ensure service is provided reliably. This bill directs the Commission to issue rules that establish a process that facilitates innovative emergency connectivity service while protecting in-band spectrum users in the unserved geographic area, as well as in-band users in an adjacent geographic area, from harmful interference. The provision of emergency connectivity service will ensure that Americans in rural areas or those affected by natural disasters have reliable access to potentially life-saving services, where technically feasible, and subject to the approval of a license holder if seeking to access licensed spectrum.

## COMMITTEE ACTION

On February 2, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Launching Into the State of the Satellite Marketplace.” The Subcommittee received testimony from:

- Tom Stroup, President, Satellite Industry Association
- Julie Zoller, Head of Global Regulatory Affairs, Project Kuiper at Amazon
- Jennifer A. Manner, Senior Vice President of Regulatory Affairs, EchoStar Corporation
- Margo Deckard, Co-Founder and Chief Operating Officer, Lynk Global, Inc.
- Kari Bingen, Director of the Aerospace Security Project and Senior Fellow at the International Security Program, Center for Strategic and International Studies.

On February 8, 2023, the Subcommittee on Communications and Technology held a legislative hearing entitled, “Liftoff: Unleashing Innovation in Satellite Communications Technologies.” The Subcommittee received testimony on H.R. 1353 from:

- David Goldman, Senior Director of Satellite Policy, SpaceX
- Peter Davidson, Vice President of Global Government Affairs & Policy, Intelsat
- Whitney Q. Lohmeyer, Professor of Engineering, Olin College of Engineering

- Danielle Piñeres, Vice President of Regulatory Affairs & Compliance, Planet Labs.

On March 8, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 1353, without amendment, to the full Committee by a record vote of 27 yeas and 0 nays. On March 23, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 1353, as amended, favorably reported to the House by a record vote of 46 yeas and 0 nays.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE  
118TH CONGRESS  
ROLL CALL VOTE # 5**

**BILL:** H.R. 1353, the Advanced, Local Emergency Response Telecommunications Parity Act

**AMENDMENT:** A motion by Mrs. Rodgers to order H.R. 1353 favorably reported to the House, as amended (Final Passage).

**DISPOSITION:** **AGREED TO**, by a roll call vote of 46 yeas and 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette			
Rep. Guthrie	X			Rep. Schakowsky	X		
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon				Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter				Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer	X			Rep. Dingell	X		
Rep. Dunn	X			Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly			
Rep. Pence	X			Rep. Barragán	X		
Rep. Crenshaw				Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong				Rep. Craig	X		
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher	X		
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

03/23/2023

#### OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 1353 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to require the Commission to issue rules to establish an application process for entities seeking to provide emergency connectivity service to unserved areas and to provide parity on the liability protection afforded to other emergency communications services.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 1353 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

#### RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop or consider H.R. 1353:

On February 2, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Launching Into the State of the Satellite Marketplace.” The Subcommittee received testimony from:

- Tom Stroup, President, Satellite Industry Association
- Julie Zoller, Head of Global Regulatory Affairs, Project Kuiper at Amazon
- Jennifer A. Manner, Senior Vice President of Regulatory Affairs, EchoStar Corporation
- Margo Deckard, Co-Founder and Chief Operating Officer, Lynk Global, Inc.



- Kari Bingen, Director of the Aerospace Security Project and Senior Fellow at the International Security Program, Center for Strategic and International Studies.

On February 8, 2023, the Subcommittee on Communications and Technology held a hearing entitled, “Liftoff: Unleashing Innovation in Satellite Communications Technologies.” The Subcommittee received testimony on H.R. 1353 from:

- David Goldman, Senior Director of Satellite Policy, SpaceX
- Peter Davidson, Vice President of Global Government Affairs & Policy, Intelsat
- Whitney Q. Lohmeyer, Professor of Engineering, Olin College of Engineering
- Danielle Peres, Vice President of Regulatory Affairs & Compliance, Planet Labs.

#### COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

#### earmark, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 1353 contains no earmarks, limited tax benefits, or limited tariff benefits.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section designates that the bill may be cited as the “Advanced, Local Emergency Response Telecommunications Parity Act” or the “ALERT Parity Act”.

##### *Section 2. Emergency connectivity service*

*Subsection (a)* requires the Federal Communications Commission (Commission) to, not later than 18 months after enactment, issue rules for the provision of emergency connectivity service to those that are 1) within an unserved area under section (h)(5)(B) of the act; and (2) those that become unserved due to destruction of infrastructure, a power outage, or another reason. In the above circumstances, a provider would receive access to spectrum to provide emergency connectivity service to the unserved area, subject to a licensee’s voluntary consent if the emergency connectivity service

provider is seeking to use the licensee's spectrum. The provision of this service does not qualify the emergency connectivity service provider as a licensee as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153). The deadline for the Commission to initiate such rulemaking is 180 days after enactment.

*Subsection (b)* requires that the rules issued under subsection (a) include a requirement that an applicant seeking to be approved as a provider of emergency connectivity service demonstrate to the Commission that: (1) the provider has a detailed technical proposal for service and that the proposal complies with the Commission's rules, (2) the provider will use spectrum provided under this section only for the provision of emergency connectivity service, (3) the proposed service can withstand major natural disasters, and (4) that such service can begin in a rapid manner.

*Subsection (c)* requires the Commission to publish the list of all approved providers of emergency connectivity service.

*Subsection (d)* requires the Commission to include in the rules required under subsection (a) rules stating that providers approved for emergency connectivity service that seek to use spectrum for which another entity holds a license must receive voluntary express, written consent from that entity to use or access the spectrum. The entity must provide consent in a timely manner following a request and there must be reasonable engagement between the parties. A licensee is not required to provide consent to the emergency connectivity service provider and any consent provided by the licensee is voluntary. However, it is the Committee's intent that the licensee must respond in a timely manner and engage in reasonable, good-faith discussions. Subsection (d) also requires the Commission to create technical requirements applicable to emergency connectivity service providers that ensure emergency service does not cause harmful interference to other authorized users of such spectrum serving the unserved area.

*Subsection (e)* requires the Commission to include in the rules required to be issued under subsection (a) rules stating that in a scenario where an area is unserved with respect to both services described under (h)(5)(B), a provider seeking approval to provide emergency connectivity service in the area must provide both services.

*Subsection (f)* amends the Warning, Alert, and Response Network Act to limit the liability of emergency connectivity service providers, to the extent such service is consistent with the provision of the service described in subsection (h)(5)(B)(i) of this section, as if the provider were a provider of commercial mobile service and meets its obligations under such Act. Subsection (f) also amends section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) by inserting the term "emergency connectivity service provider" into subsection (a), (b), and (c) to establish provider, user, and public safety answering point parity with respect to other services. This section also amends section 7 of the Wireless Communications and Public Safety Act of 1999 by adding the terms Emergency Connectivity Service and Emergency Connectivity Service Provider, as such terms are defined in the Advanced, Local Emergency Response Telecommunications Parity Act.

*Subsection (g)* requires the Commission to submit an annual report to Congress, beginning one year after enactment, on the provi-

sion of emergency connectivity service. This report would include a description of each instance in which emergency connectivity service was provided and each instance and geographic area in which an entity authorized to use spectrum declined to provide consent to an emergency connectivity service provider.

*Subsection (h)* establishes three rules of construction that nothing in H.R. 1353 may be construed to: 1) provide the Commission with new authority to regulate the terms, conditions, or rates applicable to an agreement between two or more parties for the provision of emergency connectivity service; 2) preclude the Commission from permitting the use of the electromagnetic spectrum in the manner described by this act before the Commission issues the rules under subsection (b); and, 3) preclude the Commission from approving an application to provide emergency connectivity service under the rules issued under subsection (a) that proposes using spectrum in a manner inconsistent with the Table of Frequency Allocations.

*Subsection (i)* defines key terms.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### **WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999**

\* \* \* \* \*

#### **SEC. 4. SERVICE PROVIDER PARITY OF PROTECTION.**

(a) PROVIDER PARITY.—A wireless carrier, IP-enabled voice service provider, *emergency connectivity service provider*, or other emergency communications provider, and their officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls, emergency services, *emergency connectivity service*, or other emergency communications services.

(b) USER PARITY.—A person using wireless 9–1–1 service, or making 9–1–1 communications via [IP-enabled voice service or] *IP-enabled voice service, emergency connectivity service, or other emergency communications service*, shall have immunity or other protection from liability of a scope and extent that is not less than

the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9–1–1 service that is not via wireless 9–1–1 service, IP-enabled voice service, *emergency connectivity service*, or other emergency communications service.

(c) PSAP PARITY.—In matters related to 9–1–1 communications via wireless 9–1–1 service, IP-enabled voice service, *emergency connectivity service*, or other emergency communications service, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 9–1–1 communications that are not via wireless 9–1–1 service, IP-enabled voice service, *emergency connectivity service*, or other emergency communications service.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

\* \* \* \* \*

#### SEC. 7. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) STATE.—The term “State” means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) PUBLIC SAFETY ANSWERING POINT; PSAP.—The term “public safety answering point” or “PSAP” means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The term “enhanced wireless 9–1–1 service” means any enhanced 9–1–1 service so designated by the Federal Communications Commission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems” (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) WIRELESS 9–1–1 SERVICE.—The term “wireless 9–1–1 service” means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term “emergency dispatch providers” shall include governmental and nongovernmental providers of emergency dispatch services.

(8) IP-ENABLED VOICE SERVICE.—The term “IP-enabled voice service” has the meaning given the term “interconnected VoIP

service” by section 9.3 of the Federal Communications Commission’s regulations (47 CFR 9.3).

(8) **OTHER EMERGENCY COMMUNICATIONS SERVICE.**—The term “other emergency communications service” means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9–1–1 service.

(9) **OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.**—The term “other emergency communications service provider” means—

(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission’s authority under the Communications Act of 1934 to provide other emergency communications services; or

(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9–1–1 service governing authority to provide other emergency communications services.

(10) **ENHANCED 9–1–1 SERVICE.**—The term “enhanced 9–1–1 service” means the delivery of 9–1–1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission’s regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9–1–1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04–36 and 05–196, or any successor proceeding.

(11) **EMERGENCY CONNECTIVITY SERVICE.**—*The term “emergency connectivity service” has the meaning given such term in paragraph (5) of section 2(i) of the Advanced, Local Emergency Response Telecommunications Parity Act, to the extent such service consists of the provision of the service described in subparagraph (B)(ii) of such paragraph.*

(12) **EMERGENCY CONNECTIVITY SERVICE PROVIDER.**—*The term “emergency connectivity service provider” means a person who provides emergency connectivity service in accordance with the rules issued under section 2(a) of the Advanced, Local Emergency Response Telecommunications Parity Act.*