

Calendar No. 702

114TH CONGRESS
2D SESSION

S. 2997

[Report No. 114–392]

To direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications networks during times of emergency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

Ms. CANTWELL (for herself, Mr. BOOKER, Mr. SCHUMER, Mr. NELSON, Mr. RUBIO, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 6, 2016

Reported by Mr. THUNE, with an amendment

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

A BILL

To direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications 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,*

1 **SECTION 1. SHORT TITLE.**

2 This section may be cited as the “Securing Access
3 to Networks in Disasters Act of 2016”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Severe weather and emergencies can have
7 devastating effects on communities large and small,
8 including rural areas and urban centers.

9 (2) 10,649 deaths were attributed to weather
10 related causes during 2006 to 2010.

11 (3) According to the third national climate as-
12 sessment, completed in 2014, microclimate weather
13 models predict increased temperatures, and less fre-
14 quent but more intense storm events.

15 (4) In 2015, there were 9,407,571 acres burned
16 in wildfires and the United States Fire Administra-
17 tion spent \$1,700,000,000 on wildfire suppression
18 and \$2,600,000,000 on all wildfire related budget
19 costs in 2015. Wildfire potential is expected to re-
20 main static or increase over the coming fire seasons.

21 (5) During times of emergencies such as a nat-
22 ural disaster, severe storm, or act of terrorism, com-
23 munications networks serve as a vital tool for indi-
24 viduals, 9–1–1 centers, and first responders.

25 (6) During times of emergency, it is critical
26 that consumers be able to access cell phone net-

1 works, including to contact 9-1-1, even in the event
2 that damage or outage has occurred on their own
3 home network.

4 (7) Consumer wireless devices are becoming in-
5 creasingly important to the safety and security of
6 the public during emergencies, whether to contact 9-
7 1-1, receive emergency alerts, communicate with
8 loved ones, or receive vital information like shelter
9 locations using mobile applications and social media
10 platforms.

11 (8) In April 2016, major cell phone carriers an-
12 nounced a Wireless Network Resiliency Cooperative
13 Framework (referred to in this subsection as the
14 “Framework”) that outlines reasonable arrange-
15 ments between the networks for cell phone roaming
16 during disasters, fosters mutual aid during emer-
17 gencies, and aids in consumer readiness during
18 times of emergency.

19 (9) Voluntary agreements similar to the Frame-
20 work can provide benefits to consumers by offering
21 increased flexibility for carriers to adjust their ef-
22 forts as technology and the emergency response eco-
23 system evolves.

24 (10) Although the initial Framework reflects
25 agreement among the 5 largest carriers in the Na-

tion, the agreement could potentially be expanded to include, or serve as a model for, other carriers especially those in underserved or rural areas.

(11) Close coordination among service providers and the public safety community is essential in advance of, during, and following emergencies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the voluntary policies outlined in the Wireless Network Resiliency Cooperative Framework should be adhered to, to the best of the carriers' ability, to aid consumers, 9–1–1 professionals, first responders, and local governments, in accessing communication services during times of emergency.

SEC. 3. SECURING ACCESS TO NETWORKS IN DISASTERS.

(a) DEFINITIONS.—In this section, and for purposes of the rules required under this section—

(1) the term “mobile service” means—

(A) commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)); or

(B) commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

1 (2) the term “mobile service infrastructure”
 2 means a site or similar facility used to transmit or
 3 receive mobile service signals;

4 (3) the term “times of emergency” means—

5 (A) an emergency as defined in section 102
 6 of the Robert T. Stafford Disaster Relief and
 7 Emergency Assistance Act (42 U.S.C. 5122); or

8 (B) an emergency as declared by the Gov-
 9 ernor of a State or territory of the United
 10 States; and

11 (4) the term “WiFi access point” means wire-
 12 less Internet access using the standard designated as
 13 802.11 or any variant thereof.

14 (b) PROCEEDINGS RELATED TO CELLULAR NET-
 15 WORK RESILIENCY.—

16 (1) DIRECTORY.—

17 (A) IN GENERAL.—Not later than 1 year
 18 after the date of enactment of this Act, the
 19 Commission shall create a master point of con-
 20 tact directory to provide for effective commu-
 21 nication between public safety answering points
 22 and telecommunications service providers.

23 (B) CONFIDENTIALITY.—The directory es-
 24 tablished under this paragraph shall be avail-
 25 able to telecommunications service providers

1 and public safety answering points on a con-
 2 fidential basis.

3 ~~(C) EXEMPTION FROM PAPERWORK RE-~~
 4 ~~DUCTION ACT REQUIREMENTS.—~~In establishing
 5 the directory under this paragraph, the Com-
 6 mission shall be exempted from chapter 35 of
 7 title 44, United States Code (commonly known
 8 as the “Paperwork Reduction Act”).

9 ~~(2) STUDY ON NETWORK RESILIENCY.—~~Not
 10 later than 36 months after the date of enactment of
 11 this Act, the Commission shall submit to Congress,
 12 and make publically available on the Commission’s
 13 website, a study on the public safety benefits and
 14 technical feasibility and cost of—

15 ~~(A) making telecommunications service~~
 16 ~~provider-owned WiFi access points, and other~~
 17 ~~communications technologies operating on unli-~~
 18 ~~censed spectrum, available to the general public~~
 19 ~~for access to 9–1–1 services, without requiring~~
 20 ~~any login credentials, during times of emer-~~
 21 ~~gency when mobile service is unavailable;~~

22 ~~(B) the provision by non-telecommuni-~~
 23 ~~cations service provider-owned WiFi access~~
 24 ~~points of public access to 9–1–1 services during~~

times of emergency when mobile service is unavailable; and

~~(C) other alternative means of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.~~

~~(c) GAO STUDY AND REPORT.—~~

~~(1) STUDY.—The Comptroller General of the United States shall conduct a study on—~~

~~(A) how Federal agencies can better ensure critical telecommunications networks remain operational during times of emergency;~~

~~(B) the feasibility and advisability of adding points of contact for local utilities to the directory described in subsection (b)(1); and~~

~~(C) any legislative matters Congress should consider to help promote network resiliency.~~

~~(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit a report to Congress containing the findings and recommendations of the study required under paragraph (1).~~

~~(d) EXPANDING LIST OF ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES TO INCLUDE ALL COMMUNICATIONS PROVIDERS; PRO-~~

1 ~~VIDING ACCESS TO ESSENTIAL SERVICE PROVIDERS.—~~

2 Section 427 of the Robert T. Stafford Disaster Relief and

3 Emergency Assistance Act (42 U.S.C. 5189e) is amend-

4 ed—

5 (1) in subsection (a)(1)(A), by striking “tele-

6 communications service” and inserting “communica-

7 tions service, including wireline and mobile telephone

8 service, Internet access service, radio and television

9 broadcasting, cable service, and direct broadcast sat-

10 ellite service”; and

11 (2) by adding at the end the following:

12 “(d) ~~MUTUAL AID AGREEMENTS.—~~The President,

13 acting through the Administrator of the Federal Emer-

14 gency Management Agency, shall encourage the adoption

15 of mutual aid agreements that recognize the credentials

16 of essential service providers issued by all parties to the

17 mutual aid agreement.”.

18 (e) ~~COMMUNICATIONS NETWORKS ARE DESIGNATED~~

19 ~~ESSENTIAL ASSISTANCE DURING FEDERALLY DECLARED~~

20 ~~EMERGENCIES.—~~Section 403(a)(3) of the Robert T. Staf-

21 ford Disaster Relief and Emergency Assistance Act (42

22 U.S.C. 5170b(a)(3)) is amended—

23 (1) in subparagraph (I), by striking “and” at

24 the end;

1 (2) in the first subparagraph (J)(ii), by striking
2 the period at the end and inserting “; and”; and

3 (3) by striking the second subparagraph (J) (as
4 added by section 4 of the Pets Evacuation and
5 Transportation Standards Act of 2006 (Public Law
6 109–308; 120 Stat. 1725) and inserting the fol-
7 lowing:

8 “(K) establishing temporary or restoring
9 communications service, including wireline and
10 mobile telephone service, Internet access serv-
11 ice, radio and television broadcasting, cable
12 service, and direct broadcast satellite service.”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Securing Access to Net-*
15 *works in Disasters Act of 2016”.*

16 **SEC. 2. SENSE OF CONGRESS.**

17 *It is the sense of Congress that the voluntary policies*
18 *outlined in the Wireless Network Resiliency Cooperative*
19 *Framework should be adhered to by all parties to aid con-*
20 *sumers, 9–1–1 professionals, first responders, and local gov-*
21 *ernments, in accessing communication services during*
22 *times of emergency.*

23 **SEC. 3. SECURING ACCESS TO NETWORKS IN DISASTERS.**

24 (a) *DEFINITIONS.—In this section—*

1 (1) *the term “Commission” means the Federal*
 2 *Communications Commission;*

3 (2) *the term “mobile service” means—*

4 (A) *commercial mobile service (as defined*
 5 *in section 332 of the Communications Act of*
 6 *1934 (47 U.S.C. 332)); or*

7 (B) *commercial mobile data service (as de-*
 8 *finied in section 6001 of the Middle Class Tax*
 9 *Relief and Job Creation Act of 2012 (47 U.S.C.*
 10 *1401));*

11 (3) *the term “times of emergency” means—*

12 (A) *an emergency or major disaster, as*
 13 *those terms are defined in section 102 of the Rob-*
 14 *ert T. Stafford Disaster Relief and Emergency*
 15 *Assistance Act (42 U.S.C. 5122); or*

16 (B) *an emergency as declared by the Gov-*
 17 *ernor of a State or territory of the United States;*
 18 *and*

19 (4) *the term “WiFi access points” means wireless*
 20 *Internet access using the standard designated as*
 21 *802.11 or any variant thereof.*

22 (b) *FCC STUDY ON ALTERNATIVE ACCESS TO 9-1-1*
 23 *SERVICES DURING TIMES OF EMERGENCY.—*

24 (1) *STUDY.—Not later than 36 months after the*
 25 *date of enactment of this Act, the Commission shall*

1 submit to Congress, and make publicly available on
2 the website of the Commission, a study on the public
3 safety benefits and technical feasibility and cost of—

4 (A) making telecommunications service pro-
5 vider-owned WiFi access points, and other tele-
6 communications service provider-owned commu-
7 nications technologies operating on unlicensed
8 spectrum, available to the general public for ac-
9 cess to 9–1–1 services, without requiring any
10 login credentials, during times of emergency
11 when mobile service is unavailable;

12 (B) the provision by non-telecommuni-
13 cations service provider-owned WiFi access
14 points of public access to 9–1–1 services during
15 times of emergency when mobile service is un-
16 available; and

17 (C) other alternative means of providing the
18 public with access to 9–1–1 services during times
19 of emergency when mobile service is unavailable.

20 (2) *CONSIDERATIONS.*—In conducting the study
21 required under paragraph (1), the Commission shall
22 consider issues related to making WiFi access points
23 available to the general public for access to 9-1-1 serv-
24 ices, including communications network provider li-
25 ability, the operational security of communications

1 *networks, and any existing actions or authorities in*
 2 *and among the States.*

3 *(c) GAO STUDY AND REPORT.—*

4 *(1) DEFINITIONS.—In this subsection—*

5 *(A) the term “essential communications*
 6 *services” means wireline and mobile telephone*
 7 *service, Internet access service, radio and tele-*
 8 *vision broadcasting, cable service, and direct*
 9 *broadcast satellite service; and*

10 *(B) the term “Executive departments” has*
 11 *the meaning given the term in section 101 of*
 12 *title 5, United States Code.*

13 *(2) STUDY.—The Comptroller General of the*
 14 *United States shall conduct a study on—*

15 *(A) how Executive departments can better*
 16 *ensure essential communications services remain*
 17 *operational during times of emergency;*

18 *(B) any legislative matters, if appropriate,*
 19 *Congress could consider to help promote the resil-*
 20 *ience of essential communications services; and*

21 *(C) whether a nationwide directory of*
 22 *points of contact among providers of essential*
 23 *communications services is needed to facilitate*
 24 *the rapid restoration of such services damaged*
 25 *during times of emergency.*

1 (3) *CONSIDERATIONS.—In making the deter-*
 2 *mination described in paragraph (2)(C), the Comp-*
 3 *troller General shall consider—*

4 (A) *any similar directories that exist at the*
 5 *Federal, State, or local level, including the effec-*
 6 *tiveness of such directories;*

7 (B) *how such a directory could be estab-*
 8 *lished and updated, including what types of in-*
 9 *formation would be most useful;*

10 (C) *how access to such a directory could be*
 11 *managed to adequately ensure the confidentiality*
 12 *of any sensitive information and operational se-*
 13 *curity of essential communications services; and*

14 (D) *the resources necessary to establish and*
 15 *maintain such a directory.*

16 (4) *REPORT.—Not later than 18 months after the*
 17 *date of enactment of this Act, the Comptroller General*
 18 *shall transmit a report to Congress containing the*
 19 *findings and recommendations of the study required*
 20 *under paragraph (2).*

21 (d) *EXPANDING LIST OF ESSENTIAL SERVICE PRO-*
 22 *VIDERS DURING FEDERALLY DECLARED EMERGENCIES TO*
 23 *INCLUDE ALL COMMUNICATIONS PROVIDERS; PROVIDING*
 24 *ACCESS TO ESSENTIAL SERVICE PROVIDERS.—Section 427*

1 *of the Robert T. Stafford Disaster Relief and Emergency*
 2 *Assistance Act (42 U.S.C. 5189e) is amended—*

3 *(1) in subsection (a)(1)(A), by striking “tele-*
 4 *communications service” and inserting “wireline or*
 5 *mobile telephone service, Internet access service, radio*
 6 *or television broadcasting, cable service, or direct*
 7 *broadcast satellite service”; and*

8 *(2) by adding at the end the following:*

9 *“(d) MUTUAL AID AGREEMENTS.—The President, act-*
 10 *ing through the Administrator of the Federal Emergency*
 11 *Management Agency, shall encourage the adoption of mu-*
 12 *tual aid agreements that recognize the credentials of essen-*
 13 *tial service providers issued by all parties to the mutual*
 14 *aid agreement.”.*

15 *(e) COMMUNICATIONS NETWORKS ARE DESIGNATED*
 16 *ESSENTIAL ASSISTANCE DURING FEDERALLY DECLARED*
 17 *EMERGENCIES.—Section 403(a)(3) of the Robert T. Staf-*
 18 *ford Disaster Relief and Emergency Assistance Act (42*
 19 *U.S.C. 5170b(a)(3)) is amended—*

20 *(1) in subparagraph (I), by striking “and” at*
 21 *the end;*

22 *(2) in subparagraph (J), by striking the period*
 23 *at the end and inserting “; and”; and*

24 *(3) by adding at the end the following:*

1 “(K) allowing for access to essential service
2 providers necessary for establishing temporary or
3 restoring wireline or mobile telephone service,
4 Internet access service, radio or television broad-
5 casting, cable service, or direct broadcast satellite
6 service.”.

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