

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2997

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. CANTWELL (for herself, Mr. BOOKER, Mr. SCHUMER, and Mr. NELSON)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Access to
5 Networks in Disasters Act of 2016”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the voluntary policies
8 outlined in the Wireless Network Resiliency Cooperative
9 Framework should be adhered to by all parties to aid consumers,
10 9–1–1 professionals, first responders, and local

1 governments, in accessing communication services during
2 times of emergency.

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

4 (a) DEFINITIONS.—In this section—

5 (1) the term “Commission” means the Federal
6 Communications Commission;

7 (2) the term “mobile service” means—

8 (A) commercial mobile service (as defined
9 in section 332 of the Communications Act of
10 1934 (47 U.S.C. 332)); or

11 (B) commercial mobile data service (as de-
12 fined in section 6001 of the Middle Class Tax
13 Relief and Job Creation Act of 2012 (47 U.S.C.
14 1401));

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

16 (A) an emergency or major disaster, as
17 those terms are defined in section 102 of the
18 Robert T. Stafford Disaster Relief and Emer-
19 gency Assistance Act (42 U.S.C. 5122); or

20 (B) an emergency as declared by the Gov-
21 ernor of a State or territory of the United
22 States; and

23 (4) the term “WiFi access points” means wire-
24 less Internet access using the standard designated as
25 802.11 or any variant thereof.

1 (b) FCC STUDY ON ALTERNATIVE ACCESS TO 9-1-
2 1 SERVICES DURING TIMES OF EMERGENCY.—

3 (1) STUDY.—Not later than 36 months after
4 the date of enactment of this Act, the Commission
5 shall submit to Congress, and make publicly avail-
6 able on the website of the Commission, a study on
7 the public safety benefits and technical feasibility
8 and cost of—

9 (A) making telecommunications service
10 provider-owned WiFi access points, and other
11 telecommunications service provider-owned com-
12 munications technologies operating on unli-
13 censed spectrum, available to the general public
14 for access to 9–1–1 services, without requiring
15 any login credentials, during times of emer-
16 gency when mobile service is unavailable;

17 (B) the provision by non-telecommuni-
18 cations service provider-owned WiFi access
19 points of public access to 9–1–1 services during
20 times of emergency when mobile service is un-
21 available; and

22 (C) other alternative means of providing
23 the public with access to 9–1–1 services during
24 times of emergency when mobile service is un-
25 available.

1 (2) CONSIDERATIONS.—In conducting the study
2 required under paragraph (1), the Commission shall
3 consider issues related to making WiFi access points
4 available to the general public for access to 9-1-1
5 services, including communications network provider
6 liability, the operational security of communications
7 networks, and any existing actions or authorities in
8 and among the States.

9 (c) GAO STUDY AND REPORT.—

10 (1) DEFINITIONS.—In this subsection—

11 (A) the term “essential communications
12 services” means wireline and mobile telephone
13 service, Internet access service, radio and tele-
14 vision broadcasting, cable service, and direct
15 broadcast satellite service; and

16 (B) the term “Executive departments” has
17 the meaning given the term in section 101 of
18 title 5, United States Code.

19 (2) STUDY.—The Comptroller General of the
20 United States shall conduct a study on—

21 (A) how Executive departments can better
22 ensure essential communications services re-
23 main operational during times of emergency;

24 (B) any legislative matters, if appropriate,
25 Congress could consider to help promote the re-

1 siliency of essential communications services;
2 and

3 (C) whether a nationwide directory of
4 points of contact among providers of essential
5 communications services is needed to facilitate
6 the rapid restoration of such services damaged
7 during times of emergency.

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

11 (A) any similar directories that exist at the
12 Federal, State, or local level, including the ef-
13 fectiveness of such directories;

14 (B) how such a directory could be estab-
15 lished and updated, including what types of in-
16 formation would be most useful;

17 (C) how access to such a directory could be
18 managed to adequately ensure the confiden-
19 tiality of any sensitive information and oper-
20 ational security of essential communications
21 services; and

22 (D) the resources necessary to establish
23 and maintain such a directory.

24 (4) REPORT.—Not later than 18 months after
25 the date of enactment of this Act, the Comptroller

1 General shall transmit a report to Congress con-
2 taining the findings and recommendations of the
3 study required under paragraph (2).

4 (d) EXPANDING LIST OF ESSENTIAL SERVICE PRO-
5 VIDERS DURING FEDERALLY DECLARED EMERGENCIES
6 TO INCLUDE ALL COMMUNICATIONS PROVIDERS; PRO-
7 VIDING ACCESS TO ESSENTIAL SERVICE PROVIDERS.—

8 Section 427 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5189e) is amend-
10 ed—

11 (1) in subsection (a)(1)(A), by striking “tele-
12 communications service” and inserting “wireline or
13 mobile telephone service, Internet access service,
14 radio or television broadcasting, cable service, or di-
15 rect broadcast satellite service”; and

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

17 “(d) MUTUAL AID AGREEMENTS.—The President,
18 acting through the Administrator of the Federal Emer-
19 gency Management Agency, shall encourage the adoption
20 of mutual aid agreements that recognize the credentials
21 of essential service providers issued by all parties to the
22 mutual aid agreement.”.

23 (e) COMMUNICATIONS NETWORKS ARE DESIGNATED
24 ESSENTIAL ASSISTANCE DURING FEDERALLY DECLARED
25 EMERGENCIES.—Section 403(a)(3) of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance Act (42
2 U.S.C. 5170b(a)(3)) is amended—

3 (1) in subparagraph (I), by striking “and” at
4 the end;

5 (2) in subparagraph (J), by striking the period
6 at the end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(K) allowing for access to essential serv-
9 ice providers necessary for establishing tem-
10 porary or restoring wireline or mobile telephone
11 service, Internet access service, radio or tele-
12 vision broadcasting, cable service, or direct
13 broadcast satellite service.”.