

118TH CONGRESS  
1ST SESSION

# H. R. 1353

To direct the Federal Communications Commission to issue rules for the provision of emergency connectivity service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Mr. JOHNSON of Ohio (for himself and Ms. SCHRIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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.—

9               (1) IN GENERAL.—Not later than 18 months  
10       after the date of the enactment of this Act, the

1 Commission shall issue rules for the provision of  
2 emergency connectivity service under which—

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

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

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

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

20 (2) PROVIDER NOT LICENSEE.—The Commis-  
21 sion shall include in the rules issued under para-  
22 graph (1) language to ensure that approval of an ap-  
23 plication to provide emergency connectivity service  
24 under such rules does not render the provider of  
25 such service a licensee (as such term is defined in

1 section 3 of the Communications Act of 1934 (47  
2 U.S.C. 153)).

3 (3) DEADLINE TO INITIATE RULEMAKING.—

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

7 (b) CERTIFICATIONS.—In the rules issued under sub-  
8 section (a), the Commission shall require a person who  
9 submits an application to provide emergency connectivity  
10 service under such rules, in order for such application to  
11 be approved, to certify to the Commission the following:

12 (1) Such person has a technical proposal de-  
13 scribing how such person plans to provide such serv-  
14 ice and has included in the application evidence dem-  
15 onstrating how the proposal complies with technical  
16 requirements included in such rules under subsection  
17 (d)(2).

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

24 (3) Such service proposed can withstand the  
25 impact of major natural disasters, such as earth-

1 quakes, hurricanes, wildfires, floods, blizzards, and  
2 tornados.

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

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

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

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

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

24 (1) In the case of a provider of emergency  
25 connectivity service that is approved to provide such

1 service to an area under such rules and that seeks  
2 access to spectrum that another entity is authorized  
3 to use, access to such spectrum shall be made avail-  
4 able to such provider only if such provider receives  
5 express, written consent for such access from such  
6 entity.

7 (2) With respect to providers of emergency  
8 connectivity service that are approved to provide  
9 such service to an area under such rules, technical  
10 requirements applicable to such providers that en-  
11 sure that the use of electromagnetic spectrum under  
12 a relevant approval does not cause harmful inter-  
13 ference to the use of such spectrum by another enti-  
14 ty authorized to provide a service to such area using  
15 such spectrum.

16 (e) AREAS UNSERVED WITH RESPECT TO BOTH  
17 SERVICES.—In the case of an area that is an unserved  
18 area with respect to both services described in subsection  
19 (h)(5)(B), the rules issued under subsection (a) shall re-  
20 quire that, if a provider approved to provide emergency  
21 connectivity service to such area under such rules chooses  
22 to provide emergency connectivity service to such area,  
23 such provider shall provide both services described in sub-  
24 section (h)(5)(B) to such area.

25 (f) LIMITATION OF LIABILITY.—

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

14           (2) PROVISION OF 9-1-1 SERVICE.—

15           (A) IN GENERAL.—Section 4 of the Wire-  
16          less Communications and Public Safety Act of  
17          1999 (47 U.S.C. 615a) is amended—

18           (i) in subsection (a)—

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

23           (II) by inserting “emergency  
24          connectivity service,” after “emer-  
25          gency services,”;

1 (ii) in subsection (b)—

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

6 (II) by inserting “emergency  
7 connectivity service,” after “IP-en-  
8 abled voice service,”; and

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

13 (B) DEFINITIONS.—Section 7 of the Wire-  
14 less Communications and Public Safety Act of  
15 1999 (47 U.S.C. 615b) is amended by adding  
16 at the end the following:

17 “(11) EMERGENCY CONNECTIVITY SERVICE.—  
18 The term ‘emergency connectivity service’ has the  
19 meaning given such term in paragraph (5) of section  
20 2(h) of the Advanced, Local Emergency Response  
21 Telecommunications Parity Act, to the extent such  
22 service consists of the provision of the service de-  
23 scribed in subparagraph (B)(ii) of such paragraph.

24 “(12) EMERGENCY CONNECTIVITY SERVICE  
25 PROVIDER.—The term ‘emergency connectivity serv-

1 ice provider’ means a person who provides emer-  
2 gency connectivity service in accordance with the  
3 rules issued under section 2(a) of the Advanced,  
4 Local Emergency Response Telecommunications  
5 Parity Act.”.

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

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

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

17 (h) 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.

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

4 (i) Transmitting alert messages to  
5 covered devices.

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

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

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

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

23 (9) TABLE OF FREQUENCY ALLOCATIONS.—The  
24 term “table of frequency allocations” means the  
25 United States table of frequency allocations con-

1 tained in section 2.106 of title 47, Code of Federal  
2 Regulations (or any successor regulation).

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

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