

118TH CONGRESS
1ST SESSION

H. R. 1353

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Advanced, Local Emer-
3 gency Response Telecommunications Parity Act” or the
4 “ALERT Parity Act”.

5 **SEC. 2. EMERGENCY CONNECTIVITY SERVICE.**

6 (a) RULEMAKING REQUIRED.—

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

11 (A) a person may submit to the Commis-
12 sion an application for approval to provide such
13 service to an area—

14 (i) that is an unserved area with re-
15 spect to either or both services described in
16 subsection (i)(5)(B); or

17 (ii) in the event that such area be-
18 comes an unserved area with respect to ei-
19 ther or both such services due to destruc-
20 tion of infrastructure, a power outage, or
21 any other reason; and

22 (B) for any period during which such ap-
23 proval is in effect and such area is an unserved
24 area, such person will receive access to electro-
25 magnetic spectrum in accordance with sub-

1 section (d) to provide emergency connectivity
2 service to such area.

3 (2) PROVIDER NOT LICENSEE.—The Commis-
4 sion shall include in the rules issued under para-
5 graph (1) language to ensure that approval of an ap-
6 plication to provide emergency connectivity service
7 under such rules does not render the provider of
8 such service a licensee (as such term is defined in
9 section 3 of the Communications Act of 1934 (47
10 U.S.C. 153)).

11 (3) DEADLINE TO INITIATE RULEMAKING.—
12 The Commission shall initiate a rulemaking to issue
13 the rules required by paragraph (1) not later than
14 180 days after the date of the enactment of this Act.

15 (b) DEMONSTRATIONS.—In the rules issued under
16 subsection (a), the Commission shall require a person who
17 submits an application to provide emergency connectivity
18 service under such rules, in order for such application to
19 be approved, to demonstrate to the Commission the fol-
20 lowing:

21 (1) Such person has a technical proposal de-
22 scribing how such person plans to provide such serv-
23 ice and how the proposal complies with technical re-
24 quirements included in such rules under subsection
25 (d)(2).

1 (2) Such person will not use any electro-
2 magnetic spectrum to which access is made available
3 under such rules to provide any service other than
4 emergency connectivity service, unless the other
5 service is provided under a separate authorization to
6 use such spectrum held by such person.

7 (3) Such service proposed can withstand the
8 impact of major natural disasters, such as earth-
9 quakes, hurricanes, wildfires, floods, blizzards, and
10 tornados.

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

13 (A) in the case of an application to provide
14 such service to an area that is an unserved area
15 at the time at which the application is sub-
16 mitted, after the approval of the application; or

17 (B) in the case of an application to provide
18 such service to an area in the event that such
19 area becomes an unserved area due to destruc-
20 tion of infrastructure, a power outage, or any
21 other reason, after such area becomes an
22 unserved area.

23 (c) PUBLICATION OF LIST OF PROVIDERS.—The
24 Commission shall publish on the internet website of the
25 Commission a list of all providers of emergency

1 connectivity service for which an approval is in effect to
2 provide such service under the rules issued under sub-
3 section (a).

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

7 (1) In the case of a provider of emergency
8 connectivity service that is approved to provide such
9 service to an area under such rules and that seeks
10 access to spectrum that another entity is authorized
11 to use, access to such spectrum shall be made avail-
12 able to such provider only if such provider receives
13 voluntary express written consent for such access
14 from such entity. An entity that receives a request
15 for consent under this paragraph shall reasonably
16 engage with the provider submitting the request and
17 make a determination with respect to such request
18 in a timely manner.

19 (2) With respect to providers of emergency
20 connectivity service that are approved to provide
21 such service to an area under such rules, technical
22 requirements applicable to such providers that en-
23 sure that the use of electromagnetic spectrum under
24 a relevant approval does not cause harmful inter-
25 ference to the use of spectrum by another entity au-

1 thorized to provide a service to such area or an adja-
2 cent geographic area.

3 (e) AREAS UNSERVED WITH RESPECT TO BOTH
4 SERVICES.—In the case of an area that is an unserved
5 area with respect to both services described in subsection
6 (i)(5)(B), the rules issued under subsection (a) shall re-
7 quire that, if a provider approved to provide emergency
8 connectivity service to such area under such rules chooses
9 to provide emergency connectivity service to such area,
10 such provider shall provide both services described in sub-
11 section (i)(5)(B) to such area.

12 (f) LIMITATION OF LIABILITY.—

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

1 (B) DEFINITIONS.—Section 7 of the Wire-
2 less Communications and Public Safety Act of
3 1999 (47 U.S.C. 615b) is amended by adding
4 at the end the following:

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

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

19 (g) REPORT TO CONGRESS.—Not later than 1 year
20 after the date on which the Commission issues rules under
21 subsection (a), and annually thereafter, the Commission
22 shall submit to the Committee on Energy and Commerce
23 of the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Senate a
25 report regarding the provision of emergency connectivity

1 service under such rules, which shall include a description
2 of—

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

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

10 (h) RULES OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to—

12 (1) provide the Commission with new authority
13 to regulate the terms, conditions, or rates applicable
14 to an agreement between 2 or more parties to facili-
15 tate the provision of emergency connectivity service;

16 (2) preclude the Commission, before it issues
17 rules under subsection (a), from permitting the use
18 of electromagnetic spectrum by a person that other-
19 wise meets the requirements of this section; or

20 (3) preclude the Commission from approving an
21 application to provide emergency connectivity service
22 under the rules issued under subsection (a) that pro-
23 poses using spectrum in a manner that is incon-
24 sistent with the Table of Frequency Allocations.

25 (i) DEFINITIONS.—In this section:

1 (1) ALERT MESSAGE.—The term “alert mes-
2 sage” has the meaning given such term in section
3 10.10 of title 47, Code of Federal Regulations (or
4 any successor regulation).

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

9 (3) COMMISSION.—The term “Commission”
10 means the Federal Communications Commission.

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

13 (A) a mobile device; or

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

15 (i) receiving alert messages; and

16 (ii) providing emergency information
17 to a public safety answering point (which
18 may include enhanced 9–1–1 service).

19 (5) EMERGENCY CONNECTIVITY SERVICE.—

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

22 (i) to which covered devices are capa-
23 ble of connecting—

24 (I) without any technical capa-
25 bility specific to such service; and

1 (II) regardless of whether com-
2 mercial mobile service or any other
3 service is initialized on the device; and
4 (ii) that consists only of the provision
5 of a service described in subparagraph (B)
6 to an area that is an unserved area with
7 respect to such service.

8 (B) SERVICES DESCRIBED.—The services
9 described in this subparagraph are the fol-
10 lowing:

11 (i) Transmitting alert messages to
12 covered devices.

13 (ii) Providing emergency information
14 from a covered device to a public safety
15 answering point (which may include en-
16 hanced 9–1–1 service).

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

21 (7) MOBILE DEVICE.—The term “mobile de-
22 vice” has the meaning given such term in section
23 10.10 of title 47, Code of Federal Regulations (or
24 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.

Attest: CHERYL L. JOHNSON,
Clerk.