

115TH CONGRESS  
1ST SESSION

# S. 102

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

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

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## A BILL

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Access to  
5 Networks in Disasters Act of 2017”.

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

1 Framework should be adhered to by all parties to aid con-  
2 sumers, 9–1–1 professionals, first responders, and local  
3 governments, in accessing communication services during  
4 times of emergency.

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

6 (a) DEFINITIONS.—In this section—

7 (1) the term “Commission” means the Federal  
8 Communications Commission;

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

10 (A) commercial mobile service (as defined  
11 in section 332 of the Communications Act of  
12 1934 (47 U.S.C. 332)); or

13 (B) commercial mobile data service (as de-  
14 fined in section 6001 of the Middle Class Tax  
15 Relief and Job Creation Act of 2012 (47 U.S.C.  
16 1401));

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

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

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

1           (4) the term “WiFi access points” means wire-  
2           less Internet access using the standard designated as  
3           802.11 or any variant thereof.

4           (b) FCC STUDY ON ALTERNATIVE ACCESS TO 9–1–  
5 1 SERVICES DURING TIMES OF EMERGENCY.—

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

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

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

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

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

13          (c) DIRECTORY.—

14           (1) IN GENERAL.—Not later than 1 year after  
15          the date of enactment of this Act, the Commission  
16          shall create a master point of contact directory to  
17          provide for effective communication between public  
18          safety answering points and telecommunications  
19          service providers.

20           (2) CONFIDENTIALITY.—The directory estab-  
21          lished under this subsection shall be available to  
22          telecommunications service providers and public  
23          safety answering points on a confidential basis.

24           (3) EXEMPTION FROM PAPERWORK REDUCTION  
25          ACT REQUIREMENTS.—In establishing the directory

1 under this subsection, the Commission shall be ex-  
2 empted from chapter 35 of title 44, United States  
3 Code (commonly known as the “Paperwork Reduc-  
4 tion Act”).

5 (d) GAO STUDY AND REPORT.—

6 (1) DEFINITIONS.—In this subsection—

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

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

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

17 (A) how Executive departments can better  
18 ensure essential communications services re-  
19 main operational during times of emergency;  
20 and

21 (B) any legislative matters, if appropriate,  
22 Congress could consider to help promote the re-  
23 siliency of essential communications services.

24 (3) 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 (e) 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 (f) 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.”.

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