

Calendar No. 31115TH CONGRESS
1ST SESSION**S. 102****[Report No. 115–24]**

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2017

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

APRIL 5 (legislative day, APRIL 4), 2017

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 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

5 It is the sense of Congress that the voluntary policies
6 outlined in the Wireless Network Resiliency Cooperative
7 Framework should be adhered to by all parties to aid con-
8 sumers, ~~9–1–1~~ professionals, first responders, and local
9 governments, in accessing communication services during
10 times of emergency.

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

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

13 (1) the term “Commission” means the Federal
14 Communications Commission;

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

16 (A) commercial mobile service (as defined
17 in section 332 of the Communications Act of
18 1934 (47 U.S.C. 332)); or

19 (B) commercial mobile data service (as de-
20 fined in section 6001 of the Middle Class Tax
21 Relief and Job Creation Act of 2012 (47 U.S.C.
22 1401));

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

24 (A) an emergency or major disaster, as
25 those terms are defined in section 102 of the

1 Robert T. Stafford Disaster Relief and Emer-
 2 gency Assistance Act (42 U.S.C. 5122); or

3 (B) an emergency as declared by the Gov-
 4 ernor of a State or territory of the United
 5 States; and

6 (4) the term “WiFi access points” means wire-
 7 less Internet access using the standard designated as
 8 802.11 or any variant thereof.

9 (b) FCC STUDY ON ALTERNATIVE ACCESS TO 9-1-
 10 1 SERVICES DURING TIMES OF EMERGENCY.—

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

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

1 (~~B~~) the provision by non-telecommuni-
2 cations service provider-owned WiFi access
3 points of public access to ~~9-1-1~~ services during
4 times of emergency when mobile service is un-
5 available; and

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

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

18 (~~c~~) ~~DIRECTORY.~~—

19 (~~1~~) ~~IN GENERAL.~~—Not later than ~~1~~ year after
20 the date of enactment of this Act, the Commission
21 shall create a master point of contact directory to
22 provide for effective communication between public
23 safety answering points and telecommunications
24 service providers.

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

5 (3) EXEMPTION FROM PAPERWORK REDUCTION
6 ACT REQUIREMENTS.—In establishing the directory
7 under this subsection, the Commission shall be ex-
8 empted from chapter 35 of title 44, United States
9 Code (commonly known as the “Paperwork Reduc-
10 tion Act”).

11 (d) GAO STUDY AND REPORT.—

12 (1) DEFINITIONS.—In this subsection—

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

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

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

23 (A) how Executive departments can better
24 ensure essential communications services re-

1 main operational during times of emergency;
 2 and

3 ~~(B)~~ any legislative matters, if appropriate,
 4 Congress could consider to help promote the re-
 5 siliency of essential communications services.

6 ~~(3)~~ REPORT.—Not later than 18 months after
 7 the date of enactment of this Act, the Comptroller
 8 General shall transmit a report to Congress con-
 9 taining the findings and recommendations of the
 10 study required under paragraph ~~(2)~~.

11 ~~(e)~~ EXPANDING LIST OF ESSENTIAL SERVICE PRO-
 12 VIDERS DURING FEDERALLY DECLARED EMERGENCIES
 13 TO INCLUDE ALL COMMUNICATIONS PROVIDERS; PRO-
 14 VIDING ACCESS TO ESSENTIAL SERVICE PROVIDERS.—
 15 Section 427 of the Robert T. Stafford Disaster Relief and
 16 Emergency Assistance Act (42 U.S.C. 5189e) is amend-
 17 ed—

18 ~~(1)~~ in subsection ~~(a)(1)(A)~~, by striking “tele-
 19 communications service” and inserting “wireline or
 20 mobile telephone service, Internet access service,
 21 radio or television broadcasting, cable service, or di-
 22 rect broadcast satellite service”; and

23 ~~(2)~~ by adding at the end the following:

24 “~~(d)~~ MUTUAL AID AGREEMENTS.—The President,
 25 acting through the Administrator of the Federal Emer-

1 gency Management Agency, shall encourage the adoption
 2 of mutual aid agreements that recognize the credentials
 3 of essential service providers issued by all parties to the
 4 mutual aid agreement.”.

5 (f) COMMUNICATIONS NETWORKS ARE DESIGNATED
 6 ESSENTIAL ASSISTANCE DURING FEDERALLY DECLARED
 7 EMERGENCIES.—Section 403(a)(3) of the Robert T. Staf-
 8 ford Disaster Relief and Emergency Assistance Act (42
 9 U.S.C. 5170b(a)(3)) is amended—

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

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

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

15 “(K) allowing for access to essential serv-
 16 ice providers necessary for establishing tem-
 17 porary or restoring wireline or mobile telephone
 18 service, Internet access service, radio or tele-
 19 vision broadcasting, cable service, or direct
 20 broadcast satellite service.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Securing Access to Net-*
 23 *works in Disasters Act of 2017”.*

1 **SEC. 2. SENSE OF CONGRESS.**

2 *It is the sense of Congress that the voluntary policies*
3 *outlined in the Wireless Network Resiliency Cooperative*
4 *Framework should be adhered to by all parties to aid con-*
5 *sumers, 9–1–1 professionals, first responders, and local gov-*
6 *ernments, in accessing communication services during*
7 *times of emergency.*

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

9 (a) *DEFINITIONS.—In this section—*

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

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

13 (A) *commercial mobile service (as defined*
14 *in section 332 of the Communications Act of*
15 *1934 (47 U.S.C. 332)); or*

16 (B) *commercial mobile data service (as de-*
17 *finied in section 6001 of the Middle Class Tax*
18 *Relief and Job Creation Act of 2012 (47 U.S.C.*
19 *1401));*

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

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

1 (B) an emergency as declared by the Gov-
2 ernor of a State or territory of the United States;
3 and

4 (4) the term “WiFi access points” means wireless
5 Internet access using the standard designated as
6 802.11 or any variant thereof.

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

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

14 (A) making telecommunications service pro-
15 vider-owned WiFi access points, and other tele-
16 communications service provider-owned commu-
17 nications technologies operating on unlicensed
18 spectrum, available to the general public for ac-
19 cess to 9–1–1 services, without requiring any
20 login credentials, during times of emergency
21 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

1 *times of emergency when mobile service is un-*
 2 *available; and*

3 *(C) other alternative means of providing the*
 4 *public with access to 9–1–1 services during times*
 5 *of emergency when mobile service is unavailable.*

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

14 *(c) GAO STUDY AND REPORT.—*

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

16 *(A) the term “essential communications*
 17 *services” means wireline and mobile telephone*
 18 *service, Internet access service, radio and tele-*
 19 *vision broadcasting, cable service, and direct*
 20 *broadcast satellite service; and*

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

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

1 (A) *how Executive departments can better*
2 *ensure essential communications services remain*
3 *operational during times of emergency;*

4 (B) *any legislative matters, if appropriate,*
5 *Congress could consider to help promote the resil-*
6 *ency of essential communications services; and*

7 (C) *whether a nationwide directory of*
8 *points of contact among providers of essential*
9 *communications services is needed to facilitate*
10 *the rapid restoration of such services damaged*
11 *during times of emergency.*

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

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

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

21 (C) *how access to such a directory could be*
22 *managed to adequately ensure the confidentiality*
23 *of any sensitive information and operational se-*
24 *curity of essential communications services; and*

1 (D) the resources necessary to establish and
2 maintain such a directory.

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

8 (d) *EXPANDING LIST OF ESSENTIAL SERVICE PRO-*
9 *VIDERS DURING FEDERALLY DECLARED EMERGENCIES TO*
10 *INCLUDE ALL COMMUNICATIONS PROVIDERS; PROVIDING*
11 *ACCESS TO ESSENTIAL SERVICE PROVIDERS.*—Section 427
12 of the Robert T. Stafford Disaster Relief and Emergency
13 Assistance Act (42 U.S.C. 5189e) is amended—

14 (1) in subsection (a)(1)(A), by striking “tele-
15 communications service” and inserting “wireline or
16 mobile telephone service, Internet access service, radio
17 or television broadcasting, cable service, or direct
18 broadcast satellite service”; and

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

20 “(d) *MUTUAL AID AGREEMENTS.*—The President, act-
21 ing through the Administrator of the Federal Emergency
22 Management Agency, shall encourage the adoption of mu-
23 tual aid agreements that recognize the credentials of essen-
24 tial service providers issued by all parties to the mutual
25 aid agreement.”.

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

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

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

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

11 *“(K) allowing for access to essential service*
12 *providers necessary for establishing temporary or*
13 *restoring wireline or mobile telephone service,*
14 *Internet access service, radio or television broad-*
15 *casting, cable service, or direct broadcast satellite*
16 *service.”.*

Calendar No. 31

115TH CONGRESS
1ST Session

S. 102

[Report No. 115-24]

A BILL

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Reported with an amendment