AMENDMENT NO._______ Calendar No._______

Purpose: In the nature of a substitute.


S.1669

To require the Secretary of Transportation to issue a rule requiring access to AM broadcast stations in motor vehicles, 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 Mr. MARKEY (for himself and Mr. CRUZ)

Viz:

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “AM Radio for Every Vehicle Act of 2023”.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.
(2) AM BROADCAST BAND.—The term "AM broadcast band" means the band of frequencies between 535 kilohertz and 1705 kilohertz, inclusive.

(3) AM BROADCAST STATION.—The term "AM broadcast station" means a broadcast station licensed for the dissemination of radio communications—

(A) intended to be received by the public; and

(B) operated on a channel in the AM broadcast band.

(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Homeland Security of the House of Representatives; and

(E) the Committee on Energy and Commerce of the House of Representatives.
(5) **COMPTROLLER GENERAL.**—The term "Comptroller General" means the Comptroller General of the United States.

(6) **DEVICE.**—The term "device" means a piece of equipment or an apparatus that is designed—

(A) to receive signals transmitted by a radio broadcast station (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)); and

(B) to play back content or programming derived from those signals.

(7) **DIGITAL AUDIO AM BROADCAST STATION.**—

(A) **IN GENERAL.**—The term "digital audio AM broadcast station" means an AM broadcast station that—

(i) is licensed by the Federal Communications Commission; and

(ii) uses an In-band On-channel system (as defined in section 73.402 of title 47, Code of Federal Regulations (or a successor regulation)) for broadcasting purposes.

(B) **EXCLUSION.**—The term "digital audio AM broadcast station" does not include an all-digital AM station (as defined in section 73.402
of title 47, Code of Federal Regulations (or a successor regulation)).


(9) MANUFACTURER.—The term "manufacturer" has the meaning given the term in section 30102(a) of title 49, United States Code.

(10) PASSENGER MOTOR VEHICLE.—The term "passenger motor vehicle" has the meaning given the term in section 32101 of title 49, United States Code.

(11) RECEIVE.—The term "receive" means to receive a broadcast signal via over-the-air transmission.

(12) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(13) SIGNAL.—The term "signal" means radio frequency energy that a holder of a radio station license granted or authorized by the Federal Communications Commission pursuant to sections 301 and 307 of the Communications Act of 1934 (47 U.S.C.
intentionally emits or causes to be emitted at a specified frequency for the purpose of transmitting content or programming to the public.

(14) STANDARD EQUIPMENT.—The term “standard equipment” means motor vehicle equipment (as defined in section 30102(a) of title 49, United States Code) that—

(A) is installed as a system, part, or component of a motor vehicle as originally manufactured; and

(B) the manufacturer of the motor vehicle recommends or authorizes to be included in the motor vehicle for no additional or separate monetary fee, payment, or surcharge, beyond the base price of a motor vehicle.

SEC. 3. AM BROADCAST STATIONS RULE.

(a) RULE REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator and the Federal Communications Commission, shall issue a rule—

(1) requiring devices that can receive signals and play content transmitted by AM broadcast stations be installed as standard equipment in passenger motor vehicles—
(A) manufactured in the United States, imported into the United States, or shipped in interstate commerce; and

(B) manufactured after the effective date of the rule;

(2) requiring access to AM broadcast stations in a manner that is easily accessible to a driver after the effective date of the rule; and

(3) allowing a manufacturer to comply with that rule by installing devices that can receive signals and play content transmitted by digital audio AM broadcast stations as standard equipment in passenger motor vehicles manufactured in the United States, imported into the United States, or shipped in interstate commerce after the effective date of the rule.

(b) COMPLIANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in issuing the rule required under subsection (a), the Secretary shall establish an effective date for the rule that is not less than 2 years, but not more than 3 years, after the date on which the rule is issued.

(2) CERTAIN MANUFACTURERS.—In issuing the rule required under subsection (a), the Secretary
shall establish an effective date for the rule that is
at least 4 years after the date on which the rule is
issued with respect to manufacturers that manufac-
tured not more than 40,000 passenger motor vehi-
cles for sale in the United States in 2022.

(c) INTERIM REQUIREMENT.—For passenger motor
vehicles manufactured after the date of enactment of this
Act and manufactured in the United States, imported into
the United States, or shipped in interstate commerce be-
tween the period of time beginning on the date of enact-
ment of this Act and ending on the effective date of the
rule issued under subsection (a) that do not include de-
vices that can receive signals and play content transmitted
by AM broadcast stations, the manufacturer of the pas-
senger motor vehicles—

(1) shall provide clear and conspicuous labeling
to inform purchasers of those passenger motor vehi-
cles that the passenger motor vehicles do not include
devices that can receive signals and play content
transmitted by AM broadcast stations; and

(2) may not charge an additional or separate
monetary fee, payment, or surcharge, beyond the
base price of the passenger motor vehicles, for access
to AM broadcast stations for the period of time de-
scribed in this subsection.
(d) RELATIONSHIP TO OTHER LAWS.—When the rule issued under subsection (a) is in effect, a State or a political subdivision of a State may not prescribe or continue in effect a law, regulation, or other requirement applicable to access to AM broadcast stations in passenger motor vehicles.

(e) ENFORCEMENT.—

(1) CIVIL PENALTY.—Any person failing to comply with the rule issued under subsection (a) shall be liable to the United States Government for a civil penalty in accordance with section 30165(a)(1) of title 49, United States Code.

(2) CIVIL ACTION.—The Attorney General may bring a civil action in an appropriate district court of the United States to enjoin a violation of the rule issued under subsection (a) in accordance with section 30163 of title 49, United States Code.

(f) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a comprehensive study on disseminating emergency alerts and warnings to the public.

(2) REQUIREMENTS.—The study required under paragraph (1) shall include—

(A) an assessment of—
(i) the role of passenger motor vehicles in IPAWS communications, including by providing access to AM broadcast stations;

(ii) the advantages, effectiveness, limitations, resilience, and accessibility of existing IPAWS communication technologies, including AM broadcast stations in passenger motor vehicles;

(iii) the advantages, effectiveness, limitations, resilience, and accessibility of AM broadcast stations relative to other IPAWS communication technologies in passenger motor vehicles;

(iv) whether other IPAWS communication technologies are capable of ensuring the President (or a designee) can reach at least 90 percent of the population of the United States at a time of crisis, including at night; and

(B) a description of any ongoing efforts to integrate new and emerging technologies and communication platforms into the IPAWS framework.
(3) CONSULTATION REQUIRED.—In conducting the study required under paragraph (1), the Comptroller General shall consult with—

(A) the Secretary of Homeland Security;

(B) the Federal Communications Commission;

(C) the National Telecommunications and Information Administration;

(D) the Secretary;

(E) Federal, State, Tribal, territorial, and local emergency management officials;

(F) first responders;

(G) technology experts in resilience and accessibility;

(H) radio broadcasters;

(I) manufacturers of passenger motor vehicles; and

(J) other relevant stakeholders, as determined by the Comptroller General.

(g) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall brief the appropriate committees of Congress on the results of the study required by subsection (f)(1), including recommendations for legisla-
tion and administrative action as the Comptroller
General determines appropriate.

(2) REPORT.—Not later than 180 days after
the date on which the Comptroller General provides
the briefing required under paragraph (1), the
Comptroller General shall submit to the appropriate
committees of Congress a report describing the re-
results of the study required under subsection (f)(1),
including recommendations for legislation and ad-
ministrative action as the Comptroller General deter-
dines appropriate.

(h) REVIEW.—Not less frequently than once every 5
years after the date on which the Secretary issued the rule
required by subsection (a), the Secretary, in coordination
with the Administrator and the Federal Communications
Commission, shall submit to the appropriate committees
of Congress a report that shall include an assessment of—
(1) the impacts of the rule issued under that
subsection, including the impacts on public safety;
and
(2) changes to IPAWS communication tech-
nologies that enable resilient and accessible alerts to
drivers and passengers of passenger motor vehicles.