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

IN THE SENATE OF THE UNITED STATES

MAY 26, 2016

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This section may be cited as the “Securing Access to Networks in Disasters Act of 2016”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:
(1) Severe weather and emergencies can have devastating effects on communities large and small, including rural areas and urban centers.

(2) 10,649 deaths were attributed to weather related causes during 2006 to 2010.

(3) According to the third national climate assessment, completed in 2014, microclimate weather models predict increased temperatures, and less frequent but more intense storm events.

(4) In 2015, there were 9,407,571 acres burned in wildfires and the United States Fire Administration spent $1,700,000,000 on wildfire suppression and $2,600,000,000 on all wildfire related budget costs in 2015. Wildfire potential is expected to remain static or increase over the coming fire seasons.

(5) During times of emergencies such as a natural disaster, severe storm, or act of terrorism, communications networks serve as a vital tool for individuals, 9–1–1 centers, and first responders.

(6) During times of emergency, it is critical that consumers be able to access cell phone networks, including to contact 9–1–1, even in the event that damage or outage has occurred on their own home network.
(7) Consumer wireless devices are becoming increasingly important to the safety and security of the public during emergencies, whether to contact 9–1–1, receive emergency alerts, communicate with loved ones, or receive vital information like shelter locations using mobile applications and social media platforms.

(8) In April 2016, major cell phone carriers announced a Wireless Network Resiliency Cooperative Framework (referred to in this subsection as the “Framework”) that outlines reasonable arrangements between the networks for cell phone roaming during disasters, fosters mutual aid during emergencies, and aids in consumer readiness during times of emergency.

(9) Voluntary agreements similar to the Framework can provide benefits to consumers by offering increased flexibility for carriers to adjust their efforts as technology and the emergency response ecosystem evolves.

(10) Although the initial Framework reflects agreement among the 5 largest carriers in the Nation, the agreement could potentially be expanded to include, or serve as a model for, other carriers especially those in underserved or rural areas.
(11) Close coordination among service providers and the public safety community is essential in advance of, during, and following emergencies.

(b) Sense of Congress.—It is the sense of Congress that the voluntary policies outlined in the Wireless Network Resiliency Cooperative Framework should be adhered to, to the best of the carriers’ ability, to aid consumers, 9–1–1 professionals, first responders, and local governments, in accessing communication services during times of emergency.

SEC. 3. SECURING ACCESS TO NETWORKS IN DISASTERS.

(a) Definitions.—In this section, and for purposes of the rules required under this section—

(1) the term “mobile service” means—

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

(B) commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term “mobile service infrastructure” means a site or similar facility used to transmit or receive mobile service signals;

(3) the term “times of emergency” means—
(A) an emergency as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

(B) an emergency as declared by the Governor of a State or territory of the United States; and

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

(b) PROCEEDINGS RELATED TO CELLULAR NETWORK RESILIENCY.—

(1) DIRECTORY.—

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

(B) CONFIDENTIALITY.—The directory established under this paragraph shall be available to telecommunications service providers and public safety answering points on a confidential basis.

(C) EXEMPTION FROM PAPERWORK REDUCTION ACT REQUIREMENTS.—In establishing
the directory under this paragraph, the Commission shall be exempted from chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(2) **Study on network resiliency.**—Not later than 36 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publically available on the Commission’s website, a study on the public safety benefits and technical feasibility and cost of—

(A) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9–1–1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;

(B) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9–1–1 services during times of emergency when mobile service is unavailable; and

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

(c) GAO Study and Report.—
(1) Study.—The Comptroller General of the
United States shall conduct a study on—

(A) how Federal agencies can better en-
sure critical telecommunications networks re-
main operational during times of emergency;

(B) the feasibility and advisability of add-
ing points of contact for local utilities to the di-
rectory described in subsection (b)(1); and

(C) any legislative matters Congress should
consider to help promote network resiliency.

(2) Report.—Not later than 18 months after
the date of enactment of this Act, the Comptroller
General shall transmit a report to Congress con-
taining the findings and recommendations of the
study required under paragraph (1).

(d) Expanding List of Essential Service Pro-
viders During Federally Declared Emergencies
To Include All Communications Providers; Pro-
viding Access to Essential Service Providers.—
Section 427 of the Robert T. Stafford Disaster Relief and
Emergency Assistance Act (42 U.S.C. 5189e) is amend-
ed—
(1) in subsection (a)(1)(A), by striking “telecommunications service” and inserting “communications service, including wireline and mobile telephone service, Internet access service, radio and television broadcasting, cable service, and direct broadcast satellite service”; and

(2) by adding at the end the following:

“(d) MUTUAL AID AGREEMENTS.—The President, acting through the Administrator of the Federal Emergency Management Agency, shall encourage the adoption of mutual aid agreements that recognize the credentials of essential service providers issued by all parties to the mutual aid agreement.”.

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

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

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

(3) by striking the second subparagraph (J) (as added by section 4 of the Pets Evacuation and Transportation Standards Act of 2006 (Public Law
109–308; 120 Stat. 1725) and inserting the following:

“(K) establishing temporary or restoring communications service, including wireline and mobile telephone service, Internet access service, radio and television broadcasting, cable service, and direct broadcast satellite service.”.