

114TH CONGRESS
2D SESSION

S. 2997

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.

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

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Severe weather and emergencies can have
2 devastating effects on communities large and small,
3 including rural areas and urban centers.

4 (2) 10,649 deaths were attributed to weather
5 related causes during 2006 to 2010.

6 (3) According to the third national climate as-
7 sessment, completed in 2014, microclimate weather
8 models predict increased temperatures, and less fre-
9 quent but more intense storm events.

10 (4) In 2015, there were 9,407,571 acres burned
11 in wildfires and the United States Fire Administra-
12 tion spent \$1,700,000,000 on wildfire suppression
13 and \$2,600,000,000 on all wildfire related budget
14 costs in 2015. Wildfire potential is expected to re-
15 main static or increase over the coming fire seasons.

16 (5) During times of emergencies such as a nat-
17 ural disaster, severe storm, or act of terrorism, com-
18 munications networks serve as a vital tool for indi-
19 viduals, 9-1-1 centers, and first responders.

20 (6) During times of emergency, it is critical
21 that consumers be able to access cell phone net-
22 works, including to contact 9-1-1, even in the event
23 that damage or outage has occurred on their own
24 home network.

1 (7) Consumer wireless devices are becoming in-
2 creasingly important to the safety and security of
3 the public during emergencies, whether to contact 9-
4 1-1, receive emergency alerts, communicate with
5 loved ones, or receive vital information like shelter
6 locations using mobile applications and social media
7 platforms.

8 (8) In April 2016, major cell phone carriers an-
9 nounced a Wireless Network Resiliency Cooperative
10 Framework (referred to in this subsection as the
11 “Framework”) that outlines reasonable arrange-
12 ments between the networks for cell phone roaming
13 during disasters, fosters mutual aid during emer-
14 gencies, and aids in consumer readiness during
15 times of emergency.

16 (9) Voluntary agreements similar to the Frame-
17 work can provide benefits to consumers by offering
18 increased flexibility for carriers to adjust their ef-
19 forts as technology and the emergency response eco-
20 system evolves.

21 (10) Although the initial Framework reflects
22 agreement among the 5 largest carriers in the Na-
23 tion, the agreement could potentially be expanded to
24 include, or serve as a model for, other carriers espe-
25 cially those in underserved or rural areas.

1 (11) Close coordination among service providers
2 and the public safety community is essential in ad-
3 vance of, during, and following emergencies.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the voluntary policies outlined in the Wireless
6 Network Resiliency Cooperative Framework should be ad-
7 hered to, to the best of the carriers’ ability, 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, and for purposes
13 of the rules required under this section—

14 (1) the term “mobile service” means—

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

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

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

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

1 (A) an emergency as defined in section 102
2 of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5122); or

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

7 (4) the term “WiFi access point” means wire-
8 less Internet access using the standard designated as
9 802.11 or any variant thereof.

10 (b) PROCEEDINGS RELATED TO CELLULAR NET-
11 WORK RESILIENCY.—

12 (1) DIRECTORY.—

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

19 (B) CONFIDENTIALITY.—The directory es-
20 tablished under this paragraph shall be avail-
21 able to telecommunications service providers
22 and public safety answering points on a con-
23 fidential basis.

24 (C) EXEMPTION FROM PAPERWORK RE-
25 DUCATION ACT REQUIREMENTS.—In establishing

1 the directory under this paragraph, the Com-
2 mission shall be exempted from chapter 35 of
3 title 44, United States Code (commonly known
4 as the “Paperwork Reduction Act”).

5 (2) STUDY ON NETWORK RESILIENCY.—Not
6 later than 36 months after the date of enactment of
7 this Act, the Commission shall submit to Congress,
8 and make publically available on the Commission’s
9 website, a study on the public safety benefits and
10 technical feasibility and cost of—

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

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

23 (C) other alternative means of providing
24 the public with access to 9–1–1 services during

1 times of emergency when mobile service is un-
2 available.

3 (c) GAO STUDY AND REPORT.—

4 (1) STUDY.—The Comptroller General of the
5 United States shall conduct a study on—

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

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

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

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

19 (d) EXPANDING LIST OF ESSENTIAL SERVICE PRO-
20 VIDERS DURING FEDERALLY DECLARED EMERGENCIES
21 TO INCLUDE ALL COMMUNICATIONS PROVIDERS; PRO-
22 VIDING ACCESS TO ESSENTIAL SERVICE PROVIDERS.—
23 Section 427 of the Robert T. Stafford Disaster Relief and
24 Emergency Assistance Act (42 U.S.C. 5189e) is amend-
25 ed—

1 (1) in subsection (a)(1)(A), by striking “tele-
2 communications service” and inserting “communica-
3 tions service, including wireline and mobile telephone
4 service, Internet access service, radio and television
5 broadcasting, cable service, and direct broadcast sat-
6 ellite service”; and

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

8 “(d) MUTUAL AID AGREEMENTS.—The President,
9 acting through the Administrator of the Federal Emer-
10 gency Management Agency, shall encourage the adoption
11 of mutual aid agreements that recognize the credentials
12 of essential service providers issued by all parties to the
13 mutual aid agreement.”.

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

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

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

23 (3) by striking the second subparagraph (J) (as
24 added by section 4 of the Pets Evacuation and
25 Transportation Standards Act of 2006 (Public Law

1 109–308; 120 Stat. 1725) and inserting the fol-
2 lowing:

3 “(K) establishing temporary or restoring
4 communications service, including wireline and
5 mobile telephone service, Internet access serv-
6 ice, radio and television broadcasting, cable
7 service, and direct broadcast satellite service.”.

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