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

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

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.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. 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 by all parties 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—

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

(2) 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));

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

(A) an emergency or major disaster, as those terms are 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 points” means wireless Internet access using the standard designated as 802.11 or any variant thereof.

(b) FCC Study on Alternative Access to 9-1-1 Services During Times of Emergency.—

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

(A) making telecommunications service provider-owned WiFi access points, and other telecommunications service provider-owned 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.

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

(c) DIRECTORY.—

(1) 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.

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

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

(d) GAO STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term “essential communications services” means wireline and mobile telephone service, Internet access service, radio and television broadcasting, cable service, and direct broadcast satellite service; and

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

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

(A) how Executive departments can better ensure essential communications services remain operational during times of emergency; and

(B) any legislative matters, if appropriate, Congress could consider to help promote the resiliency of essential communications services.

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

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

(1) in subsection (a)(1)(A), by striking “telecommunications service” and inserting “wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or 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.”.

(f) **COMMUNICATIONS NETWORKS ARE DESIGNATED ESSENTIAL ASSISTANCE DURING FEDERALLY DECLARED EMERGENCIES.**—Section 403(a)(3) of the Robert T. Staff-
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 subparagraph (J), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(K) allowing for access to essential service providers necessary for establishing temporary or restoring wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service.”.