

H.R. 7022 Cruz - Substitute



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

H. R. 7022

To provide for the transmission of emergency alerts by
satellite, 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. CRUZ

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Mystic Alerts Act".

5 **SEC. 2. TRANSMISSION OF EMERGENCY ALERTS BY SAT-**

6 **ELLITE.**

7 (a) SERVICE PROVIDER ELECTION.—

8 (1) REQUIRED FILING.—Each covered service

9 provider shall file an election with the Federal Com-

10 munications Commission (in this section referred to

11 as the "Commission") with respect to whether the

12 provider intends to voluntarily transmit emergency

1 alerts by satellite to the subscribers of the commer-
2 cial mobile service of the provider who receive such
3 service on devices capable of receiving such alerts, in
4 addition to the transmission of emergency alerts
5 under the Warning, Alert, and Response Network
6 Act (47 U.S.C. 1201 et seq.).

7 (2) NOTIFICATION; AGREEMENT.—If a covered
8 service provider elects to voluntarily transmit emer-
9 gency alerts to subscribers by satellite under para-
10 graph (1), the provider shall—

11 (A) notify the Commission of that election;

12 and

13 (B) agree to transmit such alerts in a
14 manner consistent with the technical standards,
15 protocols, procedures, and other requirements
16 implemented by the Commission.

17 (3) NOTICE OF ELECTION NOT TO TRANSMIT
18 OR WITHDRAWAL OF ELECTION.—If a covered serv-
19 ice provider elects under paragraph (1) not to trans-
20 mit emergency alerts to subscribers by satellite, or
21 withdraws an election made under that paragraph to
22 transmit such alerts, the provider shall provide no-
23 tice of that election or withdrawal to new and exist-
24 ing subscribers of the commercial mobile service pro-
25 vided by the provider in the same manner that is re-

1 quired under subparagraphs (B) and (C) of section
2 602(b)(1) of the Warning, Alert, and Response Net-
3 work Act (47 U.S.C. 1201(b)(1)).

4 (4) CONSUMER CHOICE TO OPT OUT.—If a cov-
5 ered service provider elects to transmit emergency
6 alerts to subscribers of such service by satellite
7 under paragraph (1), the provider shall permit a
8 subscriber to opt out of receiving emergency alerts
9 transmitted by satellite consistent with section
10 602(b)(2)(E) of the Warning, Alert, and Response
11 Network Act (47 U.S.C. 1201(b)(2)(E)).

12 (5) NO FEE FOR SERVICE.—If a provider elects
13 to transmit emergency alerts to subscribers by sat-
14 ellite under paragraph (1), the provider may not im-
15 pose a separate or additional charge for such trans-
16 mission or capability.

17 (b) SATELLITE ALERT REGULATIONS.—

18 (1) NOTICE OF PROPOSED RULEMAKING.—Not
19 later than 6 months after the date of the enactment
20 of this Act, the Commission shall publish a notice of
21 proposed rulemaking to establish any requirements
22 necessary to facilitate the satellite alerting capability
23 of covered service providers.

24 (2) REQUIREMENTS.—The requirements de-
25 scribed under paragraph (1) shall—

1 (A) take into account the capability of—

2 (i) satellites to transmit emergency
3 alerts; and

4 (ii) mobile devices to receive and dis-
5 play such alerts; and

6 (B) minimize the impact of emergency
7 alerting on other voice and data communica-
8 tions, including 9–1–1 communications.

9 (3) FINAL RULE.—Not later than 18 months
10 after the date of the enactment of this Act, the
11 Commission shall, in consultation with the Secretary
12 of Homeland Security and the Administrator of the
13 Federal Emergency Management Agency, issue a
14 final rule establishing the requirements described
15 under paragraph (1).

16 (4) EFFECTIVE DATE OF RULE.—

17 (A) DATE.—The effective date of the final
18 rule described under paragraph (3) shall be the
19 later of—

20 (i) 36 months after publication of the
21 final rule in the Federal Register; or

22 (ii) 12 months after the Secretary of
23 Homeland Security and the Administrator
24 of the Federal Emergency Management
25 Agency implement any standards, proto-

1 cols, or procedures necessary to support
2 the transmission of emergency alerts from
3 alert originators to covered service pro-
4 viders.

5 (B) NOTIFICATION.—The Secretary of
6 Homeland Security and the Administrator of
7 the Federal Emergency Management Agency
8 shall notify the Commission of the implementa-
9 tion of any standards, protocols, or procedures
10 described under subparagraph (A)(ii) for the
11 purpose of determining the effective date of the
12 final rule described under paragraph (3).

13 (c) DEADLINE FOR COMPLIANCE WITH THIS SEC-
14 TION.—Not later than 60 days after the effective date of
15 the final rule described under subsection (b)(3), a covered
16 service provider shall comply with each applicable require-
17 ment of this section.

18 (d) LIMITATION OF LIABILITY.—

19 (1) IN GENERAL.—Any covered service provider
20 (including its officers, directors, employees, vendors,
21 and agents) that transmits emergency alerts by sat-
22 ellite and meets its obligations under this Act shall
23 not be liable to any subscriber to, or user of, such
24 person's service or equipment for—

1 (A) any act or omission related to or any
2 harm resulting from the transmission of, or
3 failure to transmit, an emergency alert by sat-
4 ellite; or

5 (B) the release to a government agency or
6 entity, public safety official, fire service, law en-
7 forcement official, emergency medical service, or
8 emergency facility of subscriber information
9 used in connection with delivering such an alert.

10 (2) ELECTION NOT TO TRANSMIT ALERTS BY
11 SATELLITE.—The election by a covered service pro-
12 vider under subsection (a)(1) not to transmit emer-
13 gency alerts by satellite, or the withdrawal of an
14 election made under that subsection to transmit
15 such alerts, shall not, by itself, provide a basis for
16 liability against the provider (including its officers,
17 directors, employees, vendors, and agents).

18 (e) DEFINITIONS.—In this section:

19 (1) COMMERCIAL MOBILE SERVICE.—The term
20 “commercial mobile service” has the meaning given
21 the term in section 332(d) of the Communications
22 Act of 1934 (47 U.S.C. 332(d)).

23 (2) COVERED SERVICE PROVIDER.—The term
24 “covered service provider” means a provider of com-
25 mercial mobile service that—

1 (A) also makes satellite voice and data
2 communications available to subscribers of such
3 service; and

4 (B) voluntarily elects, either in whole or in
5 part, to transmit emergency alerts under sec-
6 tion 602(b) of the Warning, Alert, and Re-
7 sponse Network Act (47 U.S.C. 1201(b)).