

115TH CONGRESS
1ST SESSION

S. 102

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that the voluntary policies
6 outlined in the Wireless Network Resiliency Cooperative
7 Framework should be adhered to by all parties 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—

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

15 (2) the term “mobile service” means—

16 (A) commercial mobile service (as defined
17 in section 332 of the Communications Act of
18 1934 (47 U.S.C. 332)); or

19 (B) commercial mobile data service (as de-
20 fined in section 6001 of the Middle Class Tax
21 Relief and Job Creation Act of 2012 (47 U.S.C.
22 1401));

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

24 (A) an emergency or major disaster, as
25 those terms are defined in section 102 of the

1 Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5122); or

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

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

9 (b) FCC STUDY ON ALTERNATIVE ACCESS TO 9-1-
10 1 SERVICES DURING TIMES OF EMERGENCY.—

11 (1) STUDY.—Not later than 36 months after
12 the date of enactment of this Act, the Commission
13 shall submit to Congress, and make publicly avail-
14 able on the website of the Commission, a study on
15 the public safety benefits and technical feasibility
16 and cost of—

17 (A) making telecommunications service
18 provider-owned WiFi access points, and other
19 telecommunications service provider-owned com-
20 munications technologies operating on unli-
21 censed spectrum, available to the general public
22 for access to 9-1-1 services, without requiring
23 any login credentials, during times of emer-
24 gency when mobile service is unavailable;

1 (B) the provision by non-telecommuni-
2 cations service provider-owned WiFi access
3 points of public access to 9–1–1 services during
4 times of emergency when mobile service is un-
5 available; and

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

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

18 (c) GAO STUDY AND REPORT.—

19 (1) DEFINITIONS.—In this subsection—

20 (A) the term “essential communications
21 services” means wireline and mobile telephone
22 service, Internet access service, radio and tele-
23 vision broadcasting, cable service, and direct
24 broadcast satellite service; and

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

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

6 (A) how Executive departments can better
7 ensure essential communications services re-
8 main operational during times of emergency;

9 (B) any legislative matters, if appropriate,
10 Congress could consider to help promote the re-
11 siliency of essential communications services;
12 and

13 (C) whether a nationwide directory of
14 points of contact among providers of essential
15 communications services is needed to facilitate
16 the rapid restoration of such services damaged
17 during times of emergency.

18 (3) CONSIDERATIONS.—In making the deter-
19 mination described in paragraph (2)(C), the Comp-
20 troller General shall consider—

21 (A) any similar directories that exist at the
22 Federal, State, or local level, including the ef-
23 fectiveness of such directories;

1 (B) how such a directory could be estab-
2 lished and updated, including what types of in-
3 formation would be most useful;

4 (C) how access to such a directory could be
5 managed to adequately ensure the confiden-
6 tiality of any sensitive information and oper-
7 ational security of essential communications
8 services; and

9 (D) the resources necessary to establish
10 and maintain such a directory.

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

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

23 (1) in subsection (a)(1)(A), by striking “tele-
24 communications service” and inserting “wireline or
25 mobile telephone service, Internet access service,

1 radio or television broadcasting, cable service, or di-
2 rect broadcast satellite service”; and

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

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

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

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

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

19 (3) by adding at the end the following:

20 “(K) allowing for access to essential serv-
21 ice providers necessary for establishing tem-
22 porary or restoring wireline or mobile telephone
23 service, Internet access service, radio or tele-

- 1 vision broadcasting, cable service, or direct
- 2 broadcast satellite service.”.

Passed the Senate September 11, 2017.

Attest:

Secretary.

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