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TO DIRECT THE FEDERAL COMMUNICATIONS COMMISSION TO ISSUE REPORTS AFTER ACTIVATION OF THE DISASTER INFORMATION REPORTING SYSTEM AND TO MAKE IMPROVEMENTS TO NETWORK OUTAGE REPORTING

SEPTEMBER 18, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 5918]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 5918) to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPORTS AFTER ACTIVATION OF DISASTER INFORMATION REPORTING SYSTEM; IMPROVEMENTS TO NETWORK OUTAGE REPORTING.

(a) REPORTS AFTER ACTIVATION OF DISASTER INFORMATION REPORTING SYSTEM.—

(1) PRELIMINARY REPORT.—

(A) IN GENERAL.—Not later than 6 weeks after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall issue a preliminary report on, with respect to such event and to the extent known—

(i) the number and duration of any outages of—

(I) broadband internet access service;

(II) interconnected VoIP service;

(III) commercial mobile service; and

(IV) commercial mobile data service;

(ii) the approximate number of users or the amount of communications infrastructure potentially affected by an outage described in clause (i);

(iii) the number and duration of any outages at public safety answering points that prevent public safety answering points from receiving emergency calls and routing such calls to emergency service personnel; and

(iv) any additional information determined appropriate by the Commission.

(B) DEVELOPMENT OF REPORT.—The Commission shall develop the report required by subparagraph (A) using information collected by the Commission, including information collected by the Commission through the System.

(2) PUBLIC FIELD HEARINGS.—

(A) REQUIREMENT.—Not later than 8 months after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall hold at least 1 public field hearing in the area affected by such event.

(B) INCLUSION OF CERTAIN INDIVIDUALS IN HEARINGS.—For each public field hearing held under subparagraph (A), the Commission shall consider including—

(i) representatives of State government, local government, or Indian Tribal governments in areas affected by such event;

(ii) residents of the areas affected by such event, or consumer advocates;

(iii) providers of communications services affected by such event;

(iv) faculty of institutions of higher education;

(v) representatives of other Federal agencies;

(vi) electric utility providers;

(vii) communications infrastructure companies; and

(viii) first responders, emergency managers, or 9–1–1 directors in areas affected by such event.

(3) FINAL REPORT.—Not later than 12 months after the deactivation of the Disaster Information Reporting System with respect to an event for which the System was activated for at least 7 days, the Commission shall issue a final report that includes, with respect to such event—

(A) the information described under paragraph (1)(A); and

(B) any recommendations of the Commission on how to improve the resiliency of affected communications or networks recovery efforts.

(4) DEVELOPMENT OF REPORTS.—In developing a report required under this subsection, the Commission shall consider information collected by the Commission, including information collected by the Commission through the System, and any public hearing described in paragraph (2) with respect to the applicable event.

(5) PUBLICATION.—The Commission shall publish each report, excluding information that is otherwise exempt from public disclosure under the rules of the Commission, issued under this subsection on the website of the Commission upon the issuance of such report.

(b) IMPROVEMENTS TO NETWORK OUTAGE REPORTING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall conduct a proceeding and, after public notice and an opportunity for comment, adopt rules to—

(1) determine the circumstances under which to require service providers subject to the 9–1–1 regulations established under part 9 of title 47, Code of Federal Regulations, to submit a timely notification, (in an easily accessible format that facilities situational awareness) to public safety answering points regarding communications service disruptions within the assigned territories of such public safety answering points that prevent—

(A) the origination of 9–1–1 calls;

(B) the delivery of Automatic Location Information; or
(C) Automatic Number Identification;
(2) require such notifications to be made; and
(3) specify the appropriate timing of such notification.
(c) DEFINITIONS.—In this section:
(1) AUTOMATIC LOCATION INFORMATION; AUTOMATIC NUMBER IDENTIFICATION.—The terms "Automatic Location Information" and "Automatic Number Identification" have the meaning given those terms in section 9.3 of title 47, Code of Federal Regulations, or any successor regulation.
(2) BROADBAND INTERNET ACCESS SERVICE.—The term "broadband internet access service" has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.
(3) COMMERCIAL MOBILE SERVICE.—The term "commercial mobile service" has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).
(4) COMMERCIAL MOBILE DATA SERVICE.—The term "commercial mobile data service" has the meaning given such term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).
(5) COMMISSION.—The term "Commission" means the Federal Communications Commission.
(6) INDIAN TRIBAL GOVERNMENT; LOCAL GOVERNMENT.—The terms "Indian Tribal government" and "Indian Tribal Government" have the meaning given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121).
(7) INTERCONNECTED VOIP SERVICE.—The term "interconnected VoIP service" has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).
(8) PUBLIC SAFETY ANSWERING POINT.—The term "public safety answering point" has the meaning given such term in section 222 of the Communications Act of 1934 (47 U.S.C. 222).
(9) STATE.—The term "State" has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

I. PURPOSE AND SUMMARY

H.R. 5918, "A bill to direct the Federal Communications Commission to issue reports after activation of the Disaster Information Reporting System and to make improvements to network outage reporting," was introduced on February 14, 2020, by Rep. Matsui (D–CA), Rep. Eshoo (D–CA), Rep. Thompson (D–CA), and Rep. Huffman (D–CA), and referred to the Committee on Energy and Commerce. H.R. 5918 would require the Federal Communications Commission (FCC) to issue reports and hold at least one field hearing when the Disaster Information Reporting System (DIRS) has been active for at least seven days. H.R. 5918 would also require the FCC to conduct a proceeding to improve sharing of network outage information between communications service providers and public safety answering points (PSAPs).

II. BACKGROUND AND NEED FOR LEGISLATION

Americans depend on communications networks to contact loved ones and access critical emergency services and information in times of crisis—particularly during natural disasters and emergencies. In recent years, communications systems have been pressed to meet increasing challenges as natural disasters have grown in size and severity.[1] FCC data show that the number of re-

[1] UCNBC, *"The most dangerous places to live in America are prone to natural disasters"* (July 2019).

ported wireless outages caused by a physical incident, for example, increased from 189 in 2009 to 1,079 in 2016.[2]

The Communications Act of 1934, as amended, requires the FCC to promote the safety of life and property through the use of wire and radio communication.[3] In furtherance of that responsibility, the FCC's Public Safety and Homeland Security Bureau launched DIRS in 2007 as a tool for communications providers to report the status of communications systems during disasters, such as hurricanes, wildfires, and earthquakes.[4]

Providers of wireless, wireline, broadcast, cable, Voice over Internet Protocol (VoIP), and satellite communications services participate in DIRS on a voluntary basis and submit information such as the status of communications equipment and infrastructure, restoration efforts, availability of primary and backup power, and access to fuel.[5] While DIRS is an important tool for monitoring and responding to network outages and disruptions during disasters, the information submitted by providers, combined with more granular assessments of disaster events by the FCC in the aftermath of an event, can be valuable for identifying recommendations to make communications systems more resilient in advance of future disasters.

Although information submitted by providers is treated as confidential by the FCC for both national security and competitive reasons, DIRS is designed in such a way so that Federal agencies "with a need to know" can access the information.[6]

Some non-Federal entities have raised concerns, however, that the current lack of access to outage information from communications providers impedes their ability to fulfill their own responsibilities to promote safety of life and property and have petitioned the Commission to improve sharing of outage information. Certain local authorities, particularly PSAPs (also known as emergency communications centers), are routinely limited to monitoring social media or ad hoc communications with neighboring PSAPs when there are suspected outages to networks in the areas they serve.[7] Given that PSAPs frequently handle sensitive and non-public information in the course of serving the public, the Committee believes that with the proper safeguards established by the Commission, sharing outage information with PSAPs presents little to no risk from either a competitive or national security standpoint.

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[2] Government Accountability Office, *FCC Should Improve Monitoring of Industry Efforts to Strengthen Wireless Network Resiliency* (Dec. 2017) (GAO–18–198).

[3] 47 U.S.C. § 151 *et seq.*

[4] Federal Communications Commission, *The FCC's Public Safety and Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, DA 07–3871 (Sept. 11, 2007).

[5] Federal Communications Commission, *The FCC's Public Safety and Homeland Security Bureau Launches Disaster Information Reporting System (DIRS)*, Public Notice, DA 07–3871 (Sept. 11, 2007).

[6] Federal Communications Commission, *The Disaster Information Reporting System and the Status of Communications Systems in Disasters* (Aug. 11, 2010) (blog) (www.fcc.gov/news-events/blog/2010/08/11/disaster-information-reporting-system-and-status-communications-systems).

[7] *See* Letter from Jeffrey S. Cohen, APCO, to Marlene H. Dortch, Secretary, Federal Communications Commission, *Notice of Ex Parte, PS Docket Nos. 07–114, 18–261, 17–239, 11–60, ET Docket No. 18–295, GN Docket Nos. 17–183, 11–117* (Jul. 26, 2019).

III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H.R. 5918:

The Subcommittee on Communications and Technology held a legislative hearing on February 27, 2020, entitled, "Strengthening Communications Networks to Help Americans in Crisis." The Subcommittee received testimony from the following witnesses:

- Matthew Gerst, Vice President, Regulatory Affairs, CTIA
- Sue Ann Atkerson, CEO, Behavioral Health Link
- Anthony Gossner, Fire Chief, City of Santa Rosa (Calif.)
- Joseph Torres, Senior Director of Strategy and Engagement, Free Press and Free Press Action
- Daniel Henry, Regulatory Counsel and Director of Government Affairs, National Emergency Number Association
- Allen F. Bell, Distribution Manager, Georgia Power Company

IV. COMMITTEE CONSIDERATION

Representatives Matsui (D–CA), Eshoo (D–CA), Thompson (D–CA) and Huffman (D–CA) introduced H.R. 5918, the "Emergency Reporting Act of 2020", on February 14, 2020, and the bill was referred to the Committee on Energy and Commerce. Subsequently, H.R. 5918 was referred to the Subcommittee on Communications and Technology on February 18, 2020. A legislative hearing was held on the bill on February 27, 2020.

On March 10, 2020, the Subcommittee on Communications and Technology met in open markup session, pursuant to notice, to consider H.R. 5918. No amendments were offered during consideration of the bill. The Subcommittee on Communications and Technology then agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to favorably forward H.R. 5918, without amendment, by a voice vote to the full Committee on Energy and Commerce.

On July 15, 2020, the full Committee met in virtual open markup session, pursuant to notice, to consider the bill H.R. 5918. During consideration of the bill, an amendment in the nature of a substitute offered by Mr. Bilirakis of Florida was agreed to by a voice vote. Upon conclusion of consideration of the bill, the full Committee agreed to a motion on final passage by Mr. Pallone, Chairman of the committee, to order H.R. 5918 reported favorably to the House, amended, by a voice vote, a quorum being present.

V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 5918, including the motion for final passage of the bill.

VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to improve assessments of network outages and service disruptions by the FCC following disasters, and to improve network outage information sharing between communications service providers and PSAPs.

X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 5918 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 5918 contains no earmarks, limited tax benefits, or limited tariff benefits.

XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Reports after activation of disaster information reporting system; Improvements to network outage reporting

Subsection (a) directs the Federal Communications Commission to take certain actions following instances in which DIRS is activated for at least seven days. First, the FCC is required to issue a preliminary report not later than six weeks following the deactivation of DIRS that includes information on the number and duration of network outages for broadband internet access service, VoIP service, commercial mobile service, and commercial mobile data service. The preliminary report should also include the approximate number of consumers and amount of communications infrastructure that may have been affected by the event, as well as the number and duration of any outages at public safety answering points.

Subsection (a) also requires the FCC to hold at least one field hearing in the area affected by a disaster, where DIRS was active for at least seven days, not later than eight months following deactivation of DIRS. This subsection directs the FCC to consider inviting individuals affected by the disaster to participate in the hearing, including State, local, or Tribal government representatives, residents or consumer advocates, communications service providers, faculty of higher education institutions, representatives of other Federal agencies, electric utility providers, communications infrastructure companies, and first responders, emergency managers, and 9–1–1 directors in the affected area.

The FCC is then required to issue a final report on the disaster or event not later than one year from the date DIRS is deactivated. The final report should include all outage information included in the preliminary report, as well as information that tracks network restoration efforts over the year following the event and any recommendations to improve the resiliency of communications systems based on the FCC's findings.

Subsection (b) directs the Commission to conduct a proceeding within one year of enactment to determine the circumstances under which communications service providers are required to notify public safety answering points of network outages or disruptions to communications service as they occur. The Commission should conduct the proceeding to facilitate timely notification by communications service providers to public safety answering points of ongoing network outages or service disruptions within the jurisdiction of a given public safety answering point.

Subsection (c) provides definitions for the terms Automatic Location Information, Automatic Number Identification, broadband internet access service, commercial mobile service, commercial mobile data service, Commission, Indian Tribal government, interconnected VoIP service, public safety answering point, and State.

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

There are no changes to existing law made by the bill H.R. 5918.

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