

Markey - Cruz Substitute (modified)

Edward J. Markey

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

**S. 1669**

To require the Secretary of Transportation to issue a rule requiring access to AM broadcast stations in motor vehicles, 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. MARKEY (for himself and Mr. CRUZ)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "AM Radio for Every  
5 Vehicle Act of 2023".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term "Adminis-  
9 trator" means the Administrator of the Federal  
10 Emergency Management Agency.

1           (2) AM BROADCAST BAND.—The term “AM  
2 broadcast band” means the band of frequencies be-  
3 tween 535 kilohertz and 1705 kilohertz, inclusive.

4           (3) AM BROADCAST STATION.—The term “AM  
5 broadcast station” means a broadcast station li-  
6 censed for the dissemination of radio communica-  
7 tions—

8           (A) intended to be received by the public;  
9 and

10           (B) operated on a channel in the AM  
11 broadcast band.

12           (4) APPROPRIATE COMMITTEES OF CON-  
13 GRESS.—The term “appropriate committees of Con-  
14 gress” means—

15           (A) the Committee on Commerce, Science,  
16 and Transportation of the Senate;

17           (B) the Committee on Homeland Security  
18 and Governmental Affairs of the Senate;

19           (C) the Committee on Transportation and  
20 Infrastructure of the House of Representatives;

21           (D) the Committee on Homeland Security  
22 of the House of Representatives; and

23           (E) the Committee on Energy and Com-  
24 merce of the House of Representatives.

1           (5) COMPTROLLER GENERAL.—The term  
2 “Comptroller General” means the Comptroller Gen-  
3 eral of the United States.

4           (6) DEVICE.—The term “device” means a piece  
5 of equipment or an apparatus that is designed—

6           (A) to receive signals transmitted by a  
7 radio broadcast station (as defined in section 3  
8 of the Communications Act of 1934 (47 U.S.C.  
9 153)); and

10           (B) to play back content or programming  
11 derived from those signals.

12           (7) DIGITAL AUDIO AM BROADCAST STATION.—

13           (A) IN GENERAL.—The term “digital  
14 audio AM broadcast station” means an AM  
15 broadcast station that—

16           (i) is licensed by the Federal Commu-  
17 nications Commission; and

18           (ii) uses an In-band On-channel sys-  
19 tem (as defined in section 73.402 of title  
20 47, Code of Federal Regulations (or a suc-  
21 cessor regulation)) for broadcasting pur-  
22 poses.

23           (B) EXCLUSION.—The term “digital audio  
24 AM broadcast station” does not include an all-  
25 digital AM station (as defined in section 73.402

1 of title 47, Code of Federal Regulations (or a  
2 successor regulation)).

3 (8) INTEGRATED PUBLIC ALERT AND WARNING  
4 SYSTEM; IPAWS.—The terms “Integrated Public  
5 Alert and Warning System” and “IPAWS” mean  
6 the public alert and warning system of the United  
7 States described in section 526 of the Homeland Se-  
8 curity Act of 2002 (6 U.S.C. 321o).

9 (9) MANUFACTURER.—The term “manufac-  
10 turer” has the meaning given the term in section  
11 30102(a) of title 49, United States Code.

12 (10) PASSENGER MOTOR VEHICLE.—The term  
13 “passenger motor vehicle” has the meaning given  
14 the term in section 32101 of title 49, United States  
15 Code.

16 (11) RECEIVE.—The term “receive” means to  
17 receive a broadcast signal via over-the-air trans-  
18 mission.

19 (12) SECRETARY.—The term “Secretary”  
20 means the Secretary of Transportation.

21 (13) SIGNAL.—The term “signal” means radio  
22 frequency energy that a holder of a radio station li-  
23 cense granted or authorized by the Federal Commu-  
24 nications Commission pursuant to sections 301 and  
25 307 of the Communications Act of 1934 (47 U.S.C.

1 301, 307) intentionally emits or causes to be emitted  
2 at a specified frequency for the purpose of transmit-  
3 ting content or programming to the public.

4 (14) STANDARD EQUIPMENT.—The term  
5 “standard equipment” means motor vehicle equip-  
6 ment (as defined in section 30102(a) of title 49,  
7 United States Code) that—

8 (A) is installed as a system, part, or com-  
9 ponent of a motor vehicle as originally manu-  
10 factured; and

11 (B) the manufacturer of the motor vehicle  
12 recommends or authorizes to be included in the  
13 motor vehicle for no additional or separate  
14 monetary fee, payment, or surcharge, beyond  
15 the base price of a motor vehicle.

16 **SEC. 3. AM BROADCAST STATIONS RULE.**

17 (a) RULE REQUIRED.—Not later than 1 year after  
18 the date of enactment of this Act, the Secretary, in con-  
19 sultation with the Administrator and the Federal Commu-  
20 nications Commission, shall issue a rule—

21 (1) requiring devices that can receive signals  
22 and play content transmitted by AM broadcast sta-  
23 tions be installed as standard equipment in pas-  
24 senger motor vehicles—

1           (A) manufactured in the United States,  
2           imported into the United States, or shipped in  
3           interstate commerce; and

4           (B) manufactured after the effective date  
5           of the rule;

6           (2) requiring access to AM broadcast stations  
7           in a manner that is easily accessible to a driver after  
8           the effective date of the rule; and

9           (3) allowing a manufacturer to comply with  
10          that rule by installing devices that can receive sig-  
11          nals and play content transmitted by digital audio  
12          AM broadcast stations as standard equipment in  
13          passenger motor vehicles manufactured in the  
14          United States, imported into the United States, or  
15          shipped in interstate commerce after the effective  
16          date of the rule.

17          (b) COMPLIANCE.—

18           (1) IN GENERAL.—Except as provided in para-  
19           graph (2), in issuing the rule required under sub-  
20           section (a), the Secretary shall establish an effective  
21           date for the rule that is not less than 2 years, but  
22           not more than 3 years, after the date on which the  
23           rule is issued.

24           (2) CERTAIN MANUFACTURERS.—In issuing the  
25           rule required under subsection (a), the Secretary

1 shall establish an effective date for the rule that is  
2 at least 4 years after the date on which the rule is  
3 issued with respect to manufacturers that manufac-  
4 tured not more than 40,000 passenger motor vehi-  
5 cles for sale in the United States in 2022.

6 (c) INTERIM REQUIREMENT.—For passenger motor  
7 vehicles manufactured after the date of enactment of this  
8 Act and manufactured in the United States, imported into  
9 the United States, or shipped in interstate commerce be-  
10 tween the period of time beginning on the date of enact-  
11 ment of this Act and ending on the effective date of the  
12 rule issued under subsection (a) that do not include de-  
13 vices that can receive signals and play content transmitted  
14 by AM broadcast stations, the manufacturer of the pas-  
15 senger motor vehicles—

16 (1) shall provide clear and conspicuous labeling  
17 to inform purchasers of those passenger motor vehi-  
18 cles that the passenger motor vehicles do not include  
19 devices that can receive signals and play content  
20 transmitted by AM broadcast stations; and

21 (2) may not charge an additional or separate  
22 monetary fee, payment, or surcharge, beyond the  
23 base price of the passenger motor vehicles, for access  
24 to AM broadcast stations for the period of time de-  
25 scribed in this subsection.

1 (d) RELATIONSHIP TO OTHER LAWS.—When the rule  
2 issued under subsection (a) is in effect, a State or a polit-  
3 ical subdivision of a State may not prescribe or continue  
4 in effect a law, regulation, or other requirement applicable  
5 to access to AM broadcast stations in passenger motor ve-  
6 hicles.

7 (e) ENFORCEMENT.—

8 (1) CIVIL PENALTY.—Any person failing to  
9 comply with the rule issued under subsection (a)  
10 shall be liable to the United States Government for  
11 a civil penalty in accordance with section  
12 30165(a)(1) of title 49, United States Code.

13 (2) CIVIL ACTION.—The Attorney General may  
14 bring a civil action in an appropriate district court  
15 of the United States to enjoin a violation of the rule  
16 issued under subsection (a) in accordance with sec-  
17 tion 30163 of title 49, United States Code.

18 (f) GAO STUDY.—

19 (1) IN GENERAL.—The Comptroller General  
20 shall conduct a comprehensive study on dissemi-  
21 nating emergency alerts and warnings to the public.

22 (2) REQUIREMENTS.—The study required  
23 under paragraph (1) shall include—

24 (A) an assessment of—



1 (i) the role of passenger motor vehi-  
2 cles in IPAWS communications, including  
3 by providing access to AM broadcast sta-  
4 tions;

5 (ii) the advantages, effectiveness, limi-  
6 tations, resilience, and accessibility of ex-  
7 isting IPAWS communication technologies,  
8 including AM broadcast stations in pas-  
9 senger motor vehicles;

10 (iii) the advantages, effectiveness, limi-  
11 tations, resilience, and accessibility of AM  
12 broadcast stations relative to other IPAWS  
13 communication technologies in passenger  
14 motor vehicles;

15 (iv) whether other IPAWS commu-  
16 nication technologies are capable of ensur-  
17 ing the President (or a designee) can reach  
18 at least 90 percent of the population of the  
19 United States at a time of crisis, including  
20 at night; and

21 (B) a description of any ongoing efforts to  
22 integrate new and emerging technologies and  
23 communication platforms into the IPAWS  
24 framework.

1           (3) CONSULTATION REQUIRED.—In conducting  
2 the study required under paragraph (1), the Comp-  
3 troller General shall consult with—

4           (A) the Secretary of Homeland Security;

5           (B) the Federal Communications Commis-  
6 sion;

7           (C) the National Telecommunications and  
8 Information Administration;

9           (D) the Secretary;

10          (E) Federal, State, Tribal, territorial, and  
11 local emergency management officials;

12          (F) first responders;

13          (G) technology experts in resilience and ac-  
14 cessibility;

15          (H) radio broadcasters;

16          (I) manufacturers of passenger motor vehi-  
17 cles; and

18          (J) other relevant stakeholders, as deter-  
19 mined by the Comptroller General.

20       (g) BRIEFING AND REPORT.—

21           (1) BRIEFING.—Not later than 1 year after the  
22 date of enactment of this Act, the Comptroller Gen-  
23 eral shall brief the appropriate committees of Con-  
24 gress on the results of the study required by sub-  
25 section (f)(1), including recommendations for legisla-

1           tion and administrative action as the Comptroller  
2           General determines appropriate.

3           (2) REPORT.—Not later than 180 days after  
4           the date on which the Comptroller General provides  
5           the briefing required under paragraph (1), the  
6           Comptroller General shall submit to the appropriate  
7           committees of Congress a report describing the re-  
8           sults of the study required under subsection (f)(1),  
9           including recommendations for legislation and ad-  
10          ministrative action as the Comptroller General deter-  
11          mines appropriate.

12          (h) REVIEW.—Not less frequently than once every 5  
13          years after the date on which the Secretary issued the rule  
14          required by subsection (a), the Secretary, in coordination  
15          with the Administrator and the Federal Communications  
16          Commission, shall submit to the appropriate committees  
17          of Congress a report that shall include an assessment of—

18               (1) the impacts of the rule issued under that  
19               subsection, including the impacts on public safety;  
20               and

21               (2) changes to IPAWS communication tech-  
22               nologies that enable resilient and accessible alerts to  
23               drivers and passengers of passenger motor vehicles.