

Calendar No. 208

118TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2023

Mr. MARKEY (for himself, Mr. CRUZ, Ms. BALDWIN, Mrs. FISCHER, Mr. LUJÁN, Mr. VANCE, Mr. MENENDEZ, Mr. WICKER, Mr. BROWN, Mr. CRAMER, Mr. BLUMENTHAL, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. MARSHALL, Mr. SANDERS, Mr. SCOTT of Florida, Mrs. GILLIBRAND, Mr. BUDD, Ms. SMITH, Mr. ROUNDS, Mr. OSSOFF, Mrs. BLACKBURN, Mr. TESTER, Mr. DAINES, Ms. CANTWELL, Mr. MANCHIN, Mr. YOUNG, Mr. SULLIVAN, Mr. MURPHY, Mr. GRAHAM, Ms. ROSEN, Ms. ERNST, Ms. CORTEZ MASTO, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 12, 2023

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Transportation to issue a rule requiring access to AM broadcast stations in motor vehicles, 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 “AM Radio for Every
3 Vehicle Act of 2023”.

4 **SEC. 2. AM BROADCAST STATIONS RULEMAKING.**

5 (a) **DEFINITIONS.**—In this section:

6 (1) **ADMINISTRATOR.**—The term “Adminis-
7 trator” means the Administrator of the Federal
8 Emergency Management Agency.

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

12 (3) **AM BROADCAST STATION.**—The term “AM
13 broadcast station” means a broadcast station li-
14 censed for the dissemination of radio communica-
15 tions—

16 (A) intended to be received by the public;
17 and

18 (B) operated on a channel in the AM
19 broadcast band.

20 (4) **AUTHORIZED ALERT ORIGINATOR.**—The
21 term “authorized alert originator” means a Federal,
22 State, local, Tribal, or territorial government agency
23 or official that is legally authorized to initiate alert
24 messages for transmission to the public using the
25 Integrated Public Alert and Warning System.

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.—The term “Integrated Public Alert and
5 Warning System” means the public alert and warn-
6 ing system of the United States described in section
7 526 of the Homeland Security Act of 2002 (6
8 U.S.C. 3216).

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) MOTOR VEHICLE.—The term “motor vehi-
13 cle” has the meaning given the term in section
14 30102(a) of title 49, United States Code.

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

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

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

1 at a specified frequency for the purpose of transmit-
2 ting content or programming to the public.

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

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

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

15 (b) RULEMAKING REQUIRED.—Not later than 1 year
16 after the date of enactment of this Act, the Secretary, in
17 consultation with the Administrator and the Federal Com-
18 munications Commission, shall issue a rule—

19 (1) requiring devices that can receive signals
20 and play content transmitted by AM broadcast sta-
21 tions be installed as standard equipment in motor
22 vehicles manufactured in the United States, im-
23 ported into the United States, or shipped in inter-
24 state commerce after the effective date of the rule;

1 (2) requiring dashboard access to AM broadcast
2 stations in a manner that is conspicuous to a driver;
3 and

4 (3) allowing a manufacturer to comply with
5 that rule by installing devices that can receive sig-
6 nals and play content transmitted by digital audio
7 AM broadcast stations as standard equipment in
8 motor vehicles manufactured in the United States,
9 imported into the United States, or shipped in inter-
10 state commerce after the effective date of the rule.

11 (c) INTERIM REQUIREMENT.—For motor vehicles
12 manufactured in the United States, imported into the
13 United States, or shipped in interstate commerce between
14 the period of time beginning on the date of enactment of
15 this Act and ending on the effective date of the rule issued
16 under subsection (b) that do not include devices that can
17 receive signals and play content transmitted by AM broad-
18 cast stations, the manufacturer of the motor vehicles shall
19 provide clear and conspicuous labeling to inform pur-
20 chasers of those motor vehicles that the motor vehicles do
21 not include devices that can receive signals and play con-
22 tent transmitted by AM broadcast stations.

23 (d) ENFORCEMENT.—

24 (1) CIVIL PENALTY.—Any person failing to
25 comply with the rule issued under subsection (b)

1 shall be liable to the United States Government for
 2 a civil penalty in accordance with section
 3 30165(a)(1) of title 49, United States Code.

4 (2) CIVIL ACTION.—The Attorney General may
 5 bring a civil action in an appropriate district court
 6 of the United States to enjoin a violation of the rule
 7 issued under subsection (b) in accordance with sec-
 8 tion 30163 of title 49, United States Code.

9 (c) STUDY.—

10 (1) STUDY REQUIRED.—

11 (A) IN GENERAL.—The Comptroller Gen-
 12 eral shall study and assess whether an alter-
 13 native communication system for delivering
 14 emergency alerts and critical public safety in-
 15 formation distributed by the Integrated Public
 16 Alert and Warning System to drivers and pas-
 17 sengers of motor vehicles exists that—

18 (i) is as reliable and resilient as AM
 19 broadcast stations; and

20 (ii) is capable of ensuring the Presi-
 21 dent (or a designee) can reach at least 90
 22 percent of the population of the United
 23 States in a time of crisis, including at
 24 night.

1 (B) CONSIDERATIONS.—In carrying out
2 the study required by subparagraph (A), the
3 Comptroller General shall consider—

4 (i) the cost to drivers and passengers
5 to receive communications through an al-
6 ternative communication system; and

7 (ii) in consultation with the Federal
8 Emergency Management Agency, the Fed-
9 eral Communications Commission, and au-
10 thorized alert originators, the cost and
11 time required to develop and implement an
12 alternative resilient communication system
13 that fully replicates the capability to de-
14 liver emergency alerts and critical public
15 safety information distributed by the Inte-
16 grated Public Alert and Warning System.

17 (2) BRIEFING; REPORT.—

18 (A) BRIEFING.—Not later than 1 year
19 after the date of enactment of this Act, the
20 Comptroller General shall brief the appropriate
21 committees of Congress on the results of the
22 study required by paragraph (1)(A), including
23 recommendations for legislation and adminis-
24 trative action as the Comptroller General deter-
25 mines appropriate.

1 (B) REPORT.—Not later than 180 days
2 after the date on which the Comptroller General
3 provides the briefing required under subpara-
4 graph (A); the Comptroller General shall sub-
5 mit to the Committees on Commerce, Science,
6 and Transportation; and Homeland Security
7 and Governmental Affairs of the Senate; and
8 the Committees on Transportation and Infra-
9 structure and Homeland Security of the House
10 of Representatives a report describing the re-
11 sults of the study required under paragraph
12 (1)(A), including recommendations for legisla-
13 tion and administrative action as the Comp-
14 troller General determines appropriate.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “AM Radio for Every*
17 *Vehicle Act of 2023”.*

18 **SEC. 2. DEFINITIONS.**

19 *In this Act:*

20 (1) *ADMINISTRATOR.*—*The term “Adminis-*
21 *trator” means the Administrator of the Federal*
22 *Emergency Management Agency.*

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

1 (3) *AM BROADCAST STATION.*—The term “AM
2 *broadcast station*” means a broadcast station licensed
3 for the dissemination of radio communications—

4 (A) *intended to be received by the public;*

5 and

6 (B) *operated on a channel in the AM broad-*
7 *cast band.*

8 (4) *APPROPRIATE COMMITTEES OF CONGRESS.*—
9 The term “*appropriate committees of Congress*”
10 means—

11 (A) *the Committee on Commerce, Science,*
12 *and Transportation of the Senate;*

13 (B) *the Committee on Homeland Security*
14 *and Governmental Affairs of the Senate;*

15 (C) *the Committee on Transportation and*
16 *Infrastructure of the House of Representatives;*

17 (D) *the Committee on Homeland Security*
18 *of the House of Representatives; and*

19 (E) *the Committee on Energy and Com-*
20 *merce of the House of Representatives.*

21 (5) *COMPTROLLER GENERAL.*—The term “*Comp-*
22 *troller General*” means the Comptroller General of the
23 *United States.*

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

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

5 (B) to play back content or programming
6 derived from those signals.

7 (7) *DIGITAL AUDIO AM BROADCAST STATION.*—

8 (A) *IN GENERAL.*—The term “digital audio
9 AM broadcast station” means an AM broadcast
10 station that—

11 (i) is licensed by the Federal Commu-
12 nications Commission; and

13 (ii) uses an In-band On-channel sys-
14 tem (as defined in section 73.402 of title 47,
15 Code of Federal Regulations (or a successor
16 regulation)) for broadcasting purposes.

17 (B) *EXCLUSION.*—The term “digital audio
18 AM broadcast station” does not include an all-
19 digital AM station (as defined in section 73.402
20 of title 47, Code of Federal Regulations (or a
21 successor regulation)).

22 (8) *INTEGRATED PUBLIC ALERT AND WARNING*
23 *SYSTEM; IPAWS.*—The terms “Integrated Public Alert
24 and Warning System” and “IPAWS” mean the pub-
25 lic alert and warning system of the United States de-

1 *scribed in section 526 of the Homeland Security Act*
2 *of 2002 (6 U.S.C. 321o).*

3 (9) *MANUFACTURER.*—*The term “manufacturer”*
4 *has the meaning given the term in section 30102(a)*
5 *of title 49, United States Code.*

6 (10) *PASSENGER MOTOR VEHICLE.*—*The term*
7 *“passenger motor vehicle” has the meaning given the*
8 *term in section 32101 of title 49, United States Code.*

9 (11) *RECEIVE.*—*The term “receive” means to re-*
10 *ceive a broadcast signal via over-the-air transmission.*

11 (12) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of Transportation.*

13 (13) *SIGNAL.*—*The term “signal” means radio*
14 *frequency energy that a holder of a radio station li-*
15 *cence granted or authorized by the Federal Commu-*
16 *nications Commission pursuant to sections 301 and*
17 *307 of the Communications Act of 1934 (47 U.S.C.*
18 *301, 307) intentionally emits or causes to be emitted*
19 *at a specified frequency for the purpose of transmit-*
20 *ting content or programming to the public.*

21 (14) *STANDARD EQUIPMENT.*—*The term “stand-*
22 *ard equipment” means motor vehicle equipment (as*
23 *defined in section 30102(a) of title 49, United States*
24 *Code) that—*

1 (A) is installed as a system, part, or compo-
2 nent of a motor vehicle as originally manufac-
3 tured; and

4 (B) the manufacturer of the motor vehicle
5 recommends or authorizes to be included in the
6 motor vehicle for no additional or separate mon-
7 etary fee, payment, or surcharge, beyond the base
8 price of a motor vehicle.

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

10 (a) *RULE REQUIRED.*—Not later than 1 year after the
11 date of enactment of this Act, the Secretary, in consultation
12 with the Administrator and the Federal Communications
13 Commission, shall issue a rule—

14 (1) requiring devices that can receive signals and
15 play content transmitted by AM broadcast stations be
16 installed as standard equipment in passenger motor
17 vehicles—

18 (A) manufactured in the United States, im-
19 ported into the United States, or shipped in
20 interstate commerce; and

21 (B) manufactured after the effective date of
22 the rule;

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

1 (3) *allowing a manufacturer to comply with that*
2 *rule by installing devices that can receive signals and*
3 *play content transmitted by digital audio AM broad-*
4 *cast stations as standard equipment in passenger*
5 *motor vehicles manufactured in the United States,*
6 *imported into the United States, or shipped in inter-*
7 *state commerce after the effective date of the rule.*

8 (b) *COMPLIANCE.—*

9 (1) *IN GENERAL.—Except as provided in para-*
10 *graph (2), in issuing the rule required under sub-*
11 *section (a), the Secretary shall establish an effective*
12 *date for the rule that is not less than 2 years, but not*
13 *more than 3 years, after the date on which the rule*
14 *is issued.*

15 (2) *CERTAIN MANUFACTURERS.—In issuing the*
16 *rule required under subsection (a), the Secretary shall*
17 *establish an effective date for the rule that is at least*
18 *4 years after the date on which the rule is issued with*
19 *respect to manufacturers that manufactured not more*
20 *than 40,000 passenger motor vehicles for sale in the*
21 *United States in 2022.*

22 (c) *INTERIM REQUIREMENT.—For passenger motor ve-*
23 *hicles manufactured after the date of enactment of this Act*
24 *and manufactured in the United States, imported into the*
25 *United States, or shipped in interstate commerce between*

1 *the period of time beginning on the date of enactment of*
2 *this Act and ending on the effective date of the rule issued*
3 *under subsection (a) that do not include devices that can*
4 *receive signals and play content transmitted by AM broad-*
5 *cast stations, the manufacturer of the passenger motor vehi-*
6 *cles—*

7 (1) *shall provide clear and conspicuous labeling*
8 *to inform purchasers of those passenger motor vehicles*
9 *that the passenger motor vehicles do not include de-*
10 *vices that can receive signals and play content trans-*
11 *mitted by AM broadcast stations; and*

12 (2) *may not charge an additional or separate*
13 *monetary fee, payment, or surcharge, beyond the base*
14 *price of the passenger motor vehicles, for access to AM*
15 *broadcast stations for the period of time described in*
16 *this subsection.*

17 (d) *RELATIONSHIP TO OTHER LAWS.—When the rule*
18 *issued under subsection (a) is in effect, a State or a political*
19 *subdivision of a State may not prescribe or continue in ef-*
20 *fect a law, regulation, or other requirement applicable to*
21 *access to AM broadcast stations in passenger motor vehicles.*

22 (e) *ENFORCEMENT.—*

23 (1) *CIVIL PENALTY.—Any person failing to com-*
24 *ply with the rule issued under subsection (a) shall be*
25 *liable to the United States Government for a civil*

1 *penalty in accordance with section 30165(a)(1) of*
2 *title 49, United States Code.*

3 (2) *CIVIL ACTION.*—*The Attorney General may*
4 *bring a civil action in an appropriate district court*
5 *of the United States to enjoin a violation of the rule*
6 *issued under subsection (a) in accordance with section*
7 *30163 of title 49, United States Code.*

8 (f) *GAO STUDY.*—

9 (1) *IN GENERAL.*—*The Comptroller General shall*
10 *conduct a comprehensive study on disseminating*
11 *emergency alerts and warnings to the public.*

12 (2) *REQUIREMENTS.*—*The study required under*
13 *paragraph (1) shall include—*

14 (A) *an assessment of—*

15 (i) *the role of passenger motor vehicles*
16 *in IPAWS communications, including by*
17 *providing access to AM broadcast stations;*

18 (ii) *the advantages, effectiveness, limi-*
19 *tations, resilience, and accessibility of exist-*
20 *ing IPAWS communication technologies, in-*
21 *cluding AM broadcast stations in passenger*
22 *motor vehicles;*

23 (iii) *the advantages, effectiveness, limi-*
24 *tations, resilience, and accessibility of AM*
25 *broadcast stations relative to other IPAWS*

1 *communication technologies in passenger*
2 *motor vehicles;*

3 *(iv) whether other IPAWS communica-*
4 *tion technologies are capable of ensuring the*
5 *President (or a designee) can reach at least*
6 *90 percent of the population of the United*
7 *States at a time of crisis, including at*
8 *night; and*

9 *(B) a description of any ongoing efforts to*
10 *integrate new and emerging technologies and*
11 *communication platforms into the IPAWS*
12 *framework.*

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

16 *(A) the Secretary of Homeland Security;*

17 *(B) the Federal Communications Commis-*
18 *sion;*

19 *(C) the National Telecommunications and*
20 *Information Administration;*

21 *(D) the Secretary;*

22 *(E) Federal, State, Tribal, territorial, and*
23 *local emergency management officials;*

24 *(F) first responders;*

1 (G) *technology experts in resilience and ac-*
2 *cessibility;*

3 (H) *radio broadcasters;*

4 (I) *manufacturers of passenger motor vehi-*
5 *cles; and*

6 (J) *other relevant stakeholders, as deter-*
7 *mined by the Comptroller General.*

8 (g) *BRIEFING AND REPORT.—*

9 (1) *BRIEFING.—Not later than 1 year after the*
10 *date of enactment of this Act, the Comptroller General*
11 *shall brief the appropriate committees of Congress on*
12 *the results of the study required by subsection (f)(1),*
13 *including recommendations for legislation and ad-*
14 *ministrative action as the Comptroller General deter-*
15 *mines appropriate.*

16 (2) *REPORT.—Not later than 180 days after the*
17 *date on which the Comptroller General provides the*
18 *briefing required under paragraph (1), the Comp-*
19 *troller General shall submit to the appropriate com-*
20 *mittees of Congress a report describing the results of*
21 *the study required under subsection (f)(1), including*
22 *recommendations for legislation and administrative*
23 *action as the Comptroller General determines appro-*
24 *priate.*

1 (h) *REVIEW.*—Not less frequently than once every 5
2 years after the date on which the Secretary issued the rule
3 required by subsection (a), the Secretary, in coordination
4 with the Administrator and the Federal Communications
5 Commission, shall submit to the appropriate committees of
6 Congress a report that shall include an assessment of—
7 (1) the impacts of the rule issued under that sub-
8 section, including the impacts on public safety; and
9 (2) changes to *IPAWS* communication tech-
10 nologies that enable resilient and accessible alerts to
11 drivers and passengers of passenger motor vehicles.

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1ST Session

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A BILL

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SEPTEMBER 12, 2023

Reported with an amendment