

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, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

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. AM BROADCAST STATIONS RULEMAKING.**

7 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

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

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

11 (A) intended to be received by the public;
12 and

13 (B) operated on a channel in the AM
14 broadcast band.

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

21 (5) COMPTROLLER GENERAL.—The term
22 “Comptroller General” means the Comptroller Gen-
23 eral of the 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
9 audio AM broadcast station” means an AM
10 broadcast 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
15 47, Code of Federal Regulations (or a suc-
16 cessor regulation)) for broadcasting pur-
17 poses.

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

23 (8) INTEGRATED PUBLIC ALERT AND WARNING
24 SYSTEM.—The term “Integrated Public Alert and
25 Warning System” means the public alert and warn-

1 ing system of the United States described in section
2 526 of the Homeland Security Act of 2002 (6
3 U.S.C. 321o).

4 (9) MANUFACTURER.—The term “manufac-
5 turer” has the meaning given the term in section
6 30102(a) of title 49, United States Code.

7 (10) MOTOR VEHICLE.—The term “motor vehi-
8 cle” has the meaning given the term in section
9 30102(a) of title 49, United States Code.

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

13 (12) SECRETARY.—The term “Secretary”
14 means the Secretary of Transportation.

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

23 (14) STANDARD EQUIPMENT.—The term
24 “standard equipment” means motor vehicle equip-

1 ment (as defined in section 30102(a) of title 49,
2 United States Code) that—

3 (A) is installed as a system, part, or com-
4 ponent of a motor vehicle as originally manu-
5 factured; and

6 (B) the manufacturer of the motor vehicle
7 recommends or authorizes to be included in the
8 motor vehicle for no additional or separate
9 monetary fee, payment, or surcharge, beyond
10 the base price of a motor vehicle.

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

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

21 (2) requiring dashboard access to AM broadcast
22 stations in a manner that is conspicuous to a driver;
23 and

24 (3) allowing a manufacturer to comply with
25 that rule by installing devices that can receive sig-

1 nals and play content transmitted by digital audio
2 AM broadcast stations as standard equipment in
3 motor vehicles manufactured in the United States,
4 imported into the United States, or shipped in inter-
5 state commerce after the effective date of the rule.

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

18 (d) ENFORCEMENT.—

19 (1) CIVIL PENALTY.—Any person failing to
20 comply with the rule issued under subsection (b)
21 shall be liable to the United States Government for
22 a civil penalty in accordance with section
23 30165(a)(1) of title 49, United States Code.

24 (2) CIVIL ACTION.—The Attorney General may
25 bring a civil action in an appropriate district court

1 of the United States to enjoin a violation of the rule
2 issued under subsection (b) in accordance with sec-
3 tion 30163 of title 49, United States Code.

4 (e) STUDY.—

5 (1) STUDY REQUIRED.—

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

13 (i) is as reliable and resilient as AM
14 broadcast stations; and

15 (ii) is capable of ensuring the Presi-
16 dent (or a designee) can reach at least 90
17 percent of the population of the United
18 States in a time of crisis, including at
19 night.

20 (B) CONSIDERATIONS.—In carrying out
21 the study required by subparagraph (A), the
22 Comptroller General shall consider—

23 (i) the cost to drivers and passengers
24 to receive communications through an al-
25 ternative communication system; and

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

11 (2) BRIEFING; REPORT.—

12 (A) BRIEFING.—Not later than 1 year
13 after the date of enactment of this Act, the
14 Comptroller General shall brief the appropriate
15 committees of Congress on the results of the
16 study required by paragraph (1)(A), including
17 recommendations for legislation and adminis-
18 trative action as the Comptroller General deter-
19 mines appropriate.

20 (B) REPORT.—Not later than 180 days
21 after the date on which the Comptroller General
22 provides the briefing required under subpara-
23 graph (A), the Comptroller General shall sub-
24 mit to the Committees on Commerce, Science,
25 and Transportation; and Homeland Security

1 and Governmental Affairs of the Senate; and
2 the Committees on Transportation and Infra-
3 structure and Homeland Security of the House
4 of Representatives a report describing the re-
5 sults of the study required under paragraph
6 (1)(A), including recommendations for legisla-
7 tion and administrative action as the Comp-
8 troller General determines appropriate.

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