

118TH CONGRESS
1ST SESSION

S. _____

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

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

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:

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

18 (5) COMPTROLLER GENERAL.—The term
19 “Comptroller General” means the Comptroller Gen-
20 eral of the United States.

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

23 (A) to receive signals transmitted by a
24 radio broadcast station (as defined in section 3

1 of the Communications Act of 1934 (47 U.S.C.
2 153)); and

3 (B) to play back content or programming
4 derived from those signals.

5 (7) DIGITAL AUDIO AM BROADCAST STATION.—

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

9 (i) is licensed by the Federal Commu-
10 nications Commission; and

11 (ii) uses an In-band On-channel sys-
12 tem (as defined in section 73.402 of title
13 47, Code of Federal Regulations (or a suc-
14 cessor regulation)) for broadcasting pur-
15 poses.

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

21 (8) INTEGRATED PUBLIC ALERT AND WARNING
22 SYSTEM.—The term “Integrated Public Alert and
23 Warning System” means the public alert and warn-
24 ing system of the United States described in section

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

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

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

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

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

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

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

1 (A) is installed as a system, part, or com-
2 ponent of a motor vehicle as originally manu-
3 factured; 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
7 monetary fee, payment, or surcharge, beyond
8 the base price of a motor vehicle.

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

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

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

22 (3) allowing a manufacturer to comply with
23 that rule by installing devices that can receive sig-
24 nals and play content transmitted by digital audio
25 AM broadcast stations as standard equipment in

1 motor vehicles manufactured in the United States,
2 imported into the United States, or shipped in inter-
3 state commerce after the effective date of the rule.

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

16 (d) ENFORCEMENT.—

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

22 (2) CIVIL ACTION.—The Attorney General may
23 bring a civil action in an appropriate district court
24 of the United States to enjoin a violation of the rule

1 issued under subsection (b) in accordance with sec-
2 tion 30163 of title 49, United States Code.

3 (e) STUDY.—

4 (1) STUDY REQUIRED.—

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

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

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

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

22 (i) the cost to drivers and passengers
23 to receive communications through an al-
24 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 and

1 Governmental Affairs of the Senate and the
2 Committees on Transportation and Infrastruc-
3 ture and Homeland Security of the House of
4 Representatives a report describing the results
5 of the study required under paragraph (1)(A),
6 including recommendations for legislation and
7 administrative action as the Comptroller Gen-
8 eral determines appropriate.