

INTEGRATED PUBLIC ALERT AND WARNING SYSTEM
MODERNIZATION ACT OF 2015

DECEMBER 30, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1472]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 1472) to establish a modernized national
Integrated Public Alert and Warning System, and for other pur-
poses, having considered the same, report favorably thereon with-
out amendment and recommend that the bill do pass.

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PURPOSE OF LEGISLATION

H.R. 1472 would establish a modernized national Integrated Public Alert and Warning System.

BACKGROUND AND NEED FOR LEGISLATION

In the 111th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management conducted an investigation on the development of IPAWS and the Government Accountability Office (GAO) audited the system and issued a report¹ that highlighted concerns related to FEMA's development of IPAWS. The subcommittee's investigation and GAO's report supported the need for legislation to ensure consultation and coordination with key stakeholders, strategic planning, and the timely roll out of the new system. A subsequent GAO report issued on April 24, 2013² found improvements in how FEMA was developing the system but identified a continued need for guidance and testing. As a result of these investigations, legislation was introduced to provide statutory direction for the development and implementation of IPAWS.

The provisions included in H.R. 1472 are modeled after the Warning, Alert, and Response Network (WARN) Act enacted by Congress in 2006. The WARN Act, as signed into law as Title VI of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347) (The SAFE Port Act), required the Federal Communications Commission (FCC) to establish a Commercial Mobile Service Alert Advisory Committee (CMSAAC). Committee members included state, local and tribal governments, members of the private sector, and representatives of people with disabilities. The CMSAAC conducted meetings during 2008 and was charged with providing the FCC with recommendations on technical requirements, standards, regulations, and other matters needed to support the transmittal of emergency alerts by commercial mobile service providers to their subscribers on a voluntary basis.

During its investigation on the development of IPAWS, the committee observed that the framework established by the WARN Act ensured input by relevant industries, maximizing buy-in by the private sector and helping to facilitate decision-making by establishing timetables. The provisions in H.R. 1472 establish a similar framework for the development of IPAWS.

IPAWS as a "System of Systems"

Pursuant to the Stafford Act, FEMA is charged with ensuring an emergency presidential message can be effectively disseminated to the Nation. Part of FEMA's responsibility is to provide for the ability of state, tribal and local governments to issue public alerts and warnings in the event of impending or imminent disasters or emergencies. In the 1960s, the foundation of such a system was established through the creation of the Emergency Broadcast System (EBS), which used television and radio to alert the public to emergencies. In recent years, that system, now called the Emergency

¹Emergency Preparedness: Improved Planning and Coordination Necessary for Modernization and Integration of Public Alert and Warning System, *GAO-09-834*, September 9, 2009.

²Emergency Alerting: Capabilities Have Improved, but Additional Guidance and Testing Are Needed, *GAO-13-375*, April 24, 2013.

Alert System (EAS), has been modernized and updated to digital technology.

Because of the advances in technology and the increase in the methods by which the public can receive information and be alerted (e.g. cellphones, satellite radio and digital television), in 2006, President George W. Bush issued Executive Order 13407. This Order states that the United States policy is “to have an effective, reliable, integrated, flexible and comprehensive system to alert and warn the American people.” Executive Order 13407 directs the Department of Homeland Security (DHS) to develop IPAWS as a “system of systems.” It is intended to eventually integrate existing and new alert systems into one unified system.

Currently, IPAWS includes EAS, Wireless Emergency Alerts (mobile devices), and National Weather Service alerts. Future methods of alerting could include computer gaming systems, digital signs, siren systems, internet search engines, social sharing websites, and instant messaging. IPAWS creates an integrated system that allows one “message” or data package to be transmitted through as many mediums and methods as possible to reach the greatest number of people who may be impacted by a disaster or emergency. The move to digital signals, for example, creates opportunity for the message to incorporate audio, video or other data in addition to a text-based message to provide the public as much critical information as may be needed. The need to increase the mediums and forms of alerts also increases options for the effective alerting of people with disabilities and people with limited English proficiency.

HEARINGS

The Subcommittee on Economic Development, Public Buildings, and Emergency Management, held a hearing on subjects related to matters contained in H.R. 1472 during the 111th, 112th, 113th and 114th Congresses:

“This Is NOT a Test: Will the Nation’s Emergency Alert System Deliver the President’s Message to the Public?” held on September 30, 2009. The purpose of this hearing was to examine the status of efforts within the federal government, specifically, FEMA to modernize, expand and integrate existing emergency alert warning systems through the Integrated Public Alert and Warning Systems. The Committee also received a report from the Government Accountability Office detailing its assessment of the nation’s emergency alert system.

“The Effectiveness of our Nation’s Public Alert System” held on December 13, 2011. The purpose of the hearing was to examine the development of FEMA’s Integrated Public Alert and Warning System (IPAWS) and receive testimony regarding the recent test of the nation’s emergency alert system.

“FEMA Reauthorization: Ensuring the Nation is Prepared” held on October 2, 2013. The purpose of the hearing was to examine FEMA’s IPAWS and Urban Search and Rescue System to evaluate the need for reform legislation in the context of a proposed reauthorization of FEMA.

“Rebuilding after the Storm: Lessening Impacts and Speeding Recovery” held on January 27, 2015. The purpose of the hearing was to launch an assessment of the rising costs of disasters, the cost effectiveness of disaster assistance, strategies to reduce disaster

losses, and the appropriate roles of government and the private sector, and to consider reforms to save lives through improved alerts and warning systems and search and rescue.

LEGISLATIVE HISTORY AND CONSIDERATION

On March 19, 2015, Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairman Lou Barletta (R-PA) introduced H.R. 1472, a bill to establish a modernized national Integrated Public Alert and Warning System, along with Ranking Member André Carson (D-IN), Chairman Bill Shuster (R-PA) and Ranking Member Peter DeFazio (D-OR).

On April 15, 2015, the Committee on Transportation and Infrastructure met in open session. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no record votes taken in connection with consideration of H.R. 1472.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 1472 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 2015.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1472, the Integrated Public Alert and Warning System Modernization Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 1472—Integrated Public Alert and Warning System Modernization Act of 2015

Summary: H.R. 1472 would authorize appropriations totaling \$38 million over the 2016–2018 period for the Department of Homeland Security (DHS) to modernize the Integrated Public Alert and Warning System (IPAWS). The bill also would establish a committee to develop and submit recommendations for improving the system. O30 estimates that implementing H.R. 1472 would cost \$37 million over the next five years, assuming appropriation of the necessary amounts.

Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1472 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 1472 is shown in the following table. The cost of this legislation falls within budget function 450 (community and regional development).

| | By fiscal year, in millions of dollars— | | | | | |
|--|---|------|------|------|------|-----------|
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2016–2020 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Estimated Authorization Level | 13 | 13 | 13 | * | * | 39 |
| Estimated Outlays | 4 | 8 | 11 | 8 | 5 | 37 |

Notes: * = Less than \$500,000. Details may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2015 and that amounts specified and estimated to be necessary will be appropriated for each year.

H.R. 1472 would authorize the appropriation of \$12.8 million per year over the 2016–2018 period for DHS to modernize and implement IPAWS. The annual authorization level is roughly the same amount that has been allocated for that activity in recent years.

IPAWS utilizes multiple technologies (for example, satellite radios, computers, and cellular phones) in addition to traditional radio and television communications to provide information about an impending or ongoing emergency situation. The bill specifies several criteria for modernization that IPAWS would be required to meet. DHS is currently pursuing several of those criteria under Executive Order 13407. Other goals not specified by that order, but that are contained in the bill, include training state and local governments and other stakeholders and ensuring that IPAWS can withstand terrorist attacks.

The bill also would establish an advisory committee to develop recommendations to continue improving IPAWS. Within one year of

enactment, the committee would submit a report to the Congress outlining those recommendations. However, because the committee would not terminate until after 2018 (the last year in which the bill specifies an authorization level), additional discretionary appropriations would be necessary to continue operations of the committee beyond that date. Based on historical expenditures for similar activities, CBO estimates that providing that finding would cost about \$1 million over the 2019–2020 period.

Based on the rate of prior spending by DHS for IPAWS work, CBO estimates that implementing H.R. 1472 would cost \$37 million over the next five years, assuming appropriation of the specified amounts.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 1472 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Martin von Gnechten; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to establish a modernized national Integrated Public Alert and Warning System.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 1472 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, Cong. (2015), the Committee finds that enacting H.R. 1472 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE 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 (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1472 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

H.R. 1472 establishes an advisory committee for IPAWS, exempted from the requirements of the Federal Advisory Committee Act and with a specific termination.

APPLICABILITY OF 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 (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1: Short Title: Section 1 designates the short title as the “Integrated Public Alert and Warning System Modernization Act of 2015.”

Section 2: Integrated Public Alert and Warning System Modernization: This section authorizes IPAWS at \$12.8 million, consistent with current funding levels. This section would also establish clear system requirements and capabilities of IPAWS; provide a framework for the development of IPAWS; and ensure stakeholders, including federal, state, local and private sector entities have a well-defined method of providing input through a temporary advisory committee.

The requirements of the system outlined in this section are intended to guide FEMA in its use and development of the capabilities in digital and other technologies. The requirements should not be interpreted as an authorization for FEMA to itself develop the communications network necessary to implement IPAWS. In addition, the language in section 2(a)(3)(C) requires the public alert and warning system to provide alerts to the largest portion of the affected population as is feasible. Nothing in this section shall give FEMA the authority to require television or radio broadcasters, or other communications entities, to translate disaster warnings and emergency messages into multiple languages. This language provision is intended to allow the pass through (where appropriate) of non-English language emergency messages as they are received by a broadcaster or communications entity from the public alert and warning system or other message originator.

Further, subsection (c) of section 2 makes clear that nothing in that section provides authority to FEMA or any other government

entity to require any action on the part of any nongovernment entity.

The Committee expects FEMA to consider information provided by an Advisory Committee Member, in light of any potential conflicts of interest that Member may have. In addition, if the Advisory Committee relies on any information provided by a non-Advisory Committee Member, FEMA should consider whether the non-Advisory Committee Member has or could have a conflict of interest in providing the information and evaluate such information after consideration of any potential conflict of interest.

The Committee expects that FEMA will work closely with relevant stakeholders to ensure alerts can be sent to and received by those with disabilities. The Committee recognizes FEMA has improved its outreach to relevant groups but expects FEMA to specifically work closely with the National Council on Disability (NCD), the federal agency specifically charged with working on disability policy. The Committee notes the work the NCD has done to study the issue of people with disabilities in disasters, including the development of recommendations related to alerting systems in its report entitled “Effective Emergency Management: Making Improvements for Communities and People with Disabilities” issued August 12, 2009.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1472 makes no changes in existing law.

