

RELIABLE EMERGENCY ALERT DISTRIBUTION  
 IMPROVEMENT ACT OF 2020

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the  
 State of the Union and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce,  
 submitted the following

R E P O R T

[To accompany H.R. 6096]

The Committee on Energy and Commerce, to whom was referred  
 the bill (H.R. 6096) to improve oversight by the Federal Commu-  
 nications Commission of the wireless and broadcast emergency  
 alert systems, having considered the same, reports favorably there-  
 on without amendment and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose and Summary .....	1
II. Background and Need for the Legislation .....	2
III. Committee Hearings .....	3
IV. Committee Consideration .....	3
V. Committee Votes .....	3
VI. Oversight Findings .....	4
VII. New Budget Authority, Entitlement Authority, and Tax Expenditures .....	4
VIII. Federal Mandates Statement .....	4
IX. Exchange of Letters .....	8
X. Statement of General Performance Goals and Objectives .....	8
XI. Duplication of Federal Programs .....	8
XII. Committee Cost Estimate .....	8
XIII. Earmarks, Limited Tax Benefits, and Limited Tariff Benefits .....	8
XIV. Advisory Committee Statement .....	8
XV. Applicability to Legislative Branch .....	8
XVI. Section-by-Section Analysis of the Legislation .....	8
XVII. Changes in Existing Law Made by the Bill, as Reported .....	10

I. PURPOSE AND SUMMARY

H.R. 6096, the “Reliable Emergency Alert Distribution Improve-  
 ment (READI) Act of 2020”, was introduced by Representatives  
 Jerry McNerney (D-CA), Gus M. Bilirakis (R-FL), Pete Olson (R-

TX), and Tulsi Gabbard (D–HI), and was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure. H.R. 6096 would strengthen the oversight of the Federal Communication Commission (FCC) of communications systems transmitting emergency alerts, improve preparedness of State Emergency Communications Committees (SECC), and examine methods for expanding the reach of emergency alerts using new technologies.

## II. BACKGROUND AND NEED FOR LEGISLATION

The Emergency Alert System (EAS) is a mechanism that allows the President to issue emergency alerts to Americans through broadcast TV and radio, cable systems, and satellite systems. The FCC, in cooperation with the Federal Emergency Management Agency (FEMA) and the National Weather Service, is responsible for implementing EAS across communications systems at the national level. EAS participants are required by the FCC to have the technical capability to transmit Presidential alerts, although distribution of EAS messages is done on a voluntary basis at the State and local level.

The Wireless Emergency Alert (WEA) system was established in 2006 when the Warning, Alert, and Response Network (WARN) Act was signed into law.<sup>1</sup> Since its launch in 2012, the WEA system has given authorized Federal, State, local, and Tribal government authorities the capability to disseminate geographically-targeted emergency alert messages to wireless customers’ mobile devices through FEMA’s Integrated Public Alert and Warning System (IPAWS). Commercial mobile service providers participate in WEA on a voluntary basis yet, according to industry reporting, the providers participating in WEA cumulatively serve over 99 percent of all wireless subscribers in the United States.<sup>2</sup> Wireless subscribers do not have to sign up for WEA and automatically receive four types of alerts: (1) alerts issued by the President; (2) alerts involving imminent threats to safety or life; (3) Amber Alerts; and (4) alerts conveying recommendations for saving lives and property.<sup>3</sup>

On January 13, 2018, the Hawaii Emergency Management Agency (HI–EMA) mistakenly issued an emergency alert to wireless subscribers through IPAWS that falsely warned the public of an inbound ballistic missile threat.<sup>4</sup> Although investigations by both the FCC and the State of Hawaii concluded that human error due to miscommunication was the root cause of the false alert, the FCC’s Public Safety and Homeland Security Bureau made a series of recommendations to provide guidance to State, local, Tribal, and terri-

<sup>1</sup>Pub. L. No. 109–347 (2006).

<sup>2</sup>CTIA, *Consumer Resources: Wireless Emergency Alerts* ([www.ctia.org/wireless-emergency-alerts](http://www.ctia.org/wireless-emergency-alerts)) (accessed Aug. 21, 2020).

<sup>3</sup>Federal Communications Commission, *Consumer Guide: Wireless Emergency Alerts* (Dec. 19, 2019) ([www.fcc.gov/sites/default/files/wireless\\_emergency\\_alerts\\_wea.pdf](http://www.fcc.gov/sites/default/files/wireless_emergency_alerts_wea.pdf)).

<sup>4</sup>Department of Homeland Security, Office of Inspector General, *FEMA’s Oversight of the Integrated Public Alert & Warning System (IPAWS)* (Nov. 19, 2018) (OIG–19–08). Although the alert was intended to be a routine test of the system, the shift supervisor relaying the drill language to HI–EMA shift officers errantly included the language “THIS IS NOT A DRILL,” which caused confusion among the shift officers who were responsible for transmitting the alert to the public.

torial emergency alert originators and managers in the aftermath of the incident.<sup>5</sup>

### III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 6096:

The Subcommittee on Communications and Technology held a legislative hearing on February 27, 2020, entitled, “Strengthening Communications Networks to Help Americans in Crisis.” The Subcommittee received testimony from the following witnesses:

- Matthew Gerst, Vice President, Regulatory Affairs, CTIA
- Sue Ann Atkerson, CEO, Behavioral Health Link
- Anthony Gossner, Fire Chief, City of Santa Rosa (Calif.)
- Joseph Torres, Senior Director of Strategy and Engagement, Free Press and Free Press Action
- Daniel Henry, Regulatory Counsel and Director of Government Affairs, National Emergency Number Association
- Allen F. Bell, Distribution Manager, Georgia Power Company

### IV. COMMITTEE CONSIDERATION

H.R. 6096 was introduced on March 5, 2020, by Reps. McNerney, Bilirakis, Olson, and Gabbard, and was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure. The bill was referred to the Subcommittee on Communications and Technology on March 6, 2020. This Subcommittee held a legislative hearing on February 27, 2020, prior to the introduction of H.R. 6096.

The Subcommittee met in open markup session on March 10, 2020, pursuant to notice, for consideration of H.R. 6096. No amendments were offered to the bill. The Subcommittee on Communications and Technology agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to forward favorably H.R. 6096, without amendment, to the full Committee on Energy and Commerce, by a voice vote.

On July 15, 2020, the full Committee met in virtual open markup session, pursuant to notice, to consider H.R. 6096. No amendments were offered during consideration of the bill and therefore the Committee on Energy and Commerce agreed to a motion offered by Mr. Pallone, Chairman of the committee, to order H.R. 6096 reported favorably to the House, without amendment, by a voice vote, a quorum being present.

### V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H.R. 6096, including the motion for final passage of the bill.

<sup>5</sup>Federal Communications Commission, Public Safety and Homeland Security Bureau, *Report and Recommendations: Hawaii Emergency Management Agency January 13, 2018 False Alert* at 24 (April 2018).

#### VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

#### VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

#### VIII. FEDERAL MANDATES 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.

IX. EXCHANGE OF LETTERS



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

Peter A. DeFazio  
Chairman  
Katherine W. Dedrick  
Staff Director

Sam Graves  
Ranking Member  
Paul J. Saas  
Republican Staff Director

November 10, 2020

The Honorable Frank Pallone, Jr.  
Chairman, Committee on Energy & Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Pallone:

I write concerning *H.R. 6096*, the *READI Act*. There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 6096, the Committee on Transportation and Infrastructure agrees to forgo action on the bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 6096 and into the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio  
Chair

cc: The Honorable Sam Graves  
The Honorable Greg Walden  
Mr. Jason Smith, Parliamentarian

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

GREG WALDEN, OREGON  
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

November 13, 2020

The Honorable Peter A. DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman DeFazio:

Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 6096, the Reliable Emergency Alert Distribution Improvement (READI) Act of 2020, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6096 into the committee report on the bill and into the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,



Frank Pallone, Jr.  
Chairman

The Honorable Peter A. DeFazio  
November 13, 2020  
Page 2

cc: The Honorable Nancy Pelosi, Speaker, U.S. House of Representatives  
The Honorable Steny Hoyer, Majority Leader, U.S. House of Representatives  
The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce  
The Honorable Sam Graves, Ranking Member, Committee on Transportation and  
Infrastructure  
The Honorable Jason Smith, Parliamentarian

#### X. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to improve oversight and management of communications systems that deliver emergency alerts to the public.

#### XI. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 6096 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

#### XII. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### XIII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 6096 contains no earmarks, limited tax benefits, or limited tariff benefits.

#### XIV. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

#### XV. APPLICABILITY TO 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.

#### XVI. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

Section 1 designates that the short title may be cited as the “Reliable Emergency Alert Distribution Improvement Act of 2020” or the “READI Act”.

##### *Sec. 2. Definitions*

Section 2 provides definitions for the terms Administrator, Commission, Emergency Alert System, and Wireless Emergency Alert System.

##### *Sec. 3. Wireless Emergency Alert System offerings*

Section 3 amends the Warning, Alert, and Response Network Act (47 U.S.C. 1201(b)(2)(e)) to add alerts issued by FEMA to the class of emergency alerts from which providers of commercial mobile service cannot offer their subscribers the capability to opt out. The FCC is also required to adopt regulations to implement the amend-

ment made by this section not later than 180 days after the date of enactment.

*Sec. 4. State Emergency Alert System plans and Emergency Communications Committees*

Section 4 directs the FCC to adopt regulations encouraging each State's chief executive to establish a State Emergency Communications Committee (SECC) or, if the State has an existing SECC, to conduct a review of the composition and governance of its SECC.

The regulations required under this section should provide that each SECC meet not less frequently than once per year to review and update as necessary its State EAS Plan and submit the updated State EAS Plan to the Commission. Under the regulations, the Commission would have up to 60 days from the date of receipt to approve or disapprove the State EAS Plan and notify the State's chief executive accordingly.

In the regulations required under this section, the Commission is also required to establish a checklist identifying the recommended contents of a model State EAS Plan to guide SECCs work to review and update their State EAS Plan. The Committee expects that the Commission will update the content checklist as necessary and make modifications to the content checklist that would help address frequently occurring mistakes or errors in State EAS Plans. The Commission is required to consult with FEMA in developing the regulations to establish the content checklist required under this section.

Section 4 also provides definitions for the terms SECC, State, and State EAS Plan.

*Sec 5. False alert reporting*

Section 5 directs the Commission, in consultation with FEMA, to complete a rulemaking proceeding not later than 180 days after the date of enactment to establish a system for receiving reports of false alerts issued using the EAS or WEA systems. The reporting system must be designed in a manner to facilitate the receipt of false alert reports from FEMA or from State, Tribal, or local governments for the purpose of tracking and examining the occurrence of false alerts and what causes them.

*Sec. 6. Repeating emergency alert system messages for national security*

Section 6 requires the FCC, in consultation with FEMA, to complete a rulemaking proceeding not later than 180 days after the date of enactment to provide for repeating retransmission of messages issued by the President or FEMA using EAS that pertain to national security events for as long as an alert remains pending. Alerts that are issued to warn the public of missile threats, terror attacks, or other acts of war would fall within the scope of repeating alerts, while more commonly-issued alerts such as weather or disaster alerts are excluded.

*Sec. 7. Internet and online streaming services emergency alert examination*

Section 7 directs the FCC to complete an inquiry to examine the feasibility of updating EAS to facilitate or improve alert distribu-

tion to consumers using the internet and submit a report to Congress on its findings. The inquiry should consider how the prospect of expanding participation in EAS by streaming services and platforms would increase the reach and reliability of emergency alerts.

**XVII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SECURITY AND ACCOUNTABILITY FOR EVERY PORT  
ACT OF 2006**

(Public Law 109–347)

\* \* \* \* \*

**TITLE VI—COMMERCIAL MOBILE  
SERVICE ALERTS**

**SEC. 601. SHORT TITLE**

This title may be cited as the “Warning, Alert, and Response Network Act”.

**SEC. 602. FEDERAL COMMUNICATIONS COMMISSION DUTIES**

(a) **COMMERCIAL MOBILE SERVICE ALERT REGULATIONS.**—Within 180 days after the date on which the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), transmits recommendations to the Federal Communications Commission, the Commission shall complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of such Advisory Committee necessary to enable commercial mobile service alerting capability for commercial mobile service providers that voluntarily elect to transmit emergency alerts. The Commission shall consult with the National Institute of Standards and Technology regarding the adoption of technical standards under this subsection.

(b) **COMMERCIAL MOBILE SERVICE ELECTION.**—

(1) **AMENDMENT OF COMMERCIAL MOBILE SERVICE LICENSE.**—Within 120 days after the date on which the Federal Communications Commission adopts relevant technical standards and other technical requirements pursuant to subsection (a), the Commission shall complete a proceeding—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit emergency alerts to subscribers to, or users of, the commercial mobile service provided by such licensee;

(B) to require any licensee providing commercial mobile service that elects, in whole or in part, under paragraph (2) not to transmit emergency alerts to provide clear and conspicuous notice at the point of sale of any devices with

which its commercial mobile service is included, that it will not transmit such alerts via the service it provides for the device; and

(C) to require any licensee providing commercial mobile service that elects under paragraph (2) not to transmit emergency alerts to notify its existing subscribers of its election.

(2) ELECTION.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each licensee providing commercial mobile service shall file an election with the Commission with respect to whether or not it intends to transmit emergency alerts.

(B) TRANSMISSION STANDARDS; NOTIFICATION.—If a licensee providing commercial mobile service elects to transmit emergency alerts via its commercial mobile service, the licensee shall—

(i) notify the Commission of its election; and

(ii) agree to transmit such alerts in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission.

(C) NO FEE FOR SERVICE.—A commercial mobile service licensee that elects to transmit emergency alerts may not impose a separate or additional charge for such transmission or capability.

(D) WITHDRAWAL; LATE ELECTION.—The Commission shall establish a procedure—

(i) for a commercial mobile service licensee that has elected to transmit emergency alerts to withdraw its election without regulatory penalty or forfeiture upon advance written notification of the withdrawal to its affected subscribers;

(ii) for a commercial mobile service licensee to elect to transmit emergency alerts at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a commercial mobile service licensee that withdraws its election without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any commercial mobile service licensee electing to transmit emergency alerts may offer subscribers the capability of preventing the subscriber's device from receiving such alerts, or classes of such alerts, [other than an alert issued by the President. Within 2 years after the Commission completes the proceeding under paragraph (1), the Commission shall examine the issue of whether a commercial mobile service provider should continue to be permitted to offer its subscribers such capability. The Commission shall submit a report with its recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.] *other than an alert issued by—*

(i) *the President; or*

(ii) *the Administrator of the Federal Emergency Management Agency.*

(c) **DIGITAL TELEVISION TRANSMISSION TOWERS RETRANSMISSION CAPABILITY.**—Within 90 days after the date on which the Commission adopts relevant technical standards based on recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 603(a), the Commission shall complete a proceeding to require licensees and permittees of non-commercial educational broadcast stations or public broadcast stations (as those terms are defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6))) to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the distribution of geographically targeted alerts by commercial mobile service providers that have elected to transmit emergency alerts under this section.

(d) **FCC REGULATION OF COMPLIANCE.**—The Federal Communications Commission may enforce compliance with this title but shall have no rulemaking authority under this title, except as provided in subsections (a), (b), (c), and (f).

(e) **LIMITATION OF LIABILITY.**—

(1) **IN GENERAL.**—Any commercial mobile service provider (including its officers, directors, employees, vendors, and agents) that transmits emergency alerts and meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(A) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, an emergency alert; or

(B) the release to a government agency or entity, public safety, fire service, law enforcement official, emergency medical service, or emergency facility of subscriber information used in connection with delivering such an alert.

(2) **ELECTION NOT TO TRANSMIT ALERTS.**—The election by a commercial mobile service provider under subsection (b)(2)(A) not to transmit emergency alerts, or to withdraw its election to transmit such alerts under subsection (b)(2)(D) shall not, by itself, provide a basis for liability against the provider (including its officers, directors, employees, vendors, and agents).

(f) **TESTING.**—The Commission shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.

\* \* \* \* \*

