

Calendar No. 492

116TH CONGRESS }
2d Session }

SENATE

{ REPORT
116-240

RELIABLE EMERGENCY ALERT
DISTRIBUTION IMPROVEMENT ACT OF 2019

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2693



JULY 21, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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Mr. WICKER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2693]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2693) to improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2693 would clarify the types of emergency alerts that must be received by all wireless subscribers, and adopt new mechanisms and guidelines that would improve the distribution of emergency alerts. It also would direct the Federal Communications Commission (FCC) to explore the sending of alerts over new communications mediums, and improve the tracking of false alerts.

BACKGROUND AND NEEDS

The National Public Warning System provides essential information to the public in times of danger. The current public warning system includes the following components:¹

¹FCC, Public Safety and Homeland Security Bureau, “A Guide to the Emergency Alert System (EAS) and Wireless Emergency Alert (WEA) System,” Jul. 25, 2018 (<https://www.fcc.gov/files/emergencyalertingpresentation7252018pptx>) (accessed Apr. 14, 2020).

- *Alert Originators.*—The entities that initiate public alerts; they include the President of the United States, along with other Federal, State, and local authorities.
- *Alert Gateway.*—The current public alert gateway is known as the Integrated Public Alert and Warning System (IPAWS); IPAWS serves as the gateway between alert originators and the alert distribution systems and is overseen by the Department of Homeland Security’s Federal Emergency Management Agency (FEMA).
- *Alert Disseminators.*—The Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) system distribute public alerts to American citizens; both systems primarily are overseen by the FCC.

The purpose of the EAS is to “provide the President with the capability to provide immediate communications and information to the general public at the national, State, and local area levels during periods of national emergency.”² These alerts are provided via radio and television broadcast stations, cable systems, wireline video systems, wireless cable systems, direct broadcast satellite service providers, and digital audio radio service providers.³ The public may recognize EAS alerts through an 8-second, two-tone audio signal, formally called the EAS Attention Signal.

The technical parameters for EAS participation, along with the procedures for EAS participation, are issued by the FCC, though FEMA and the National Weather Service also play a role in overseeing the system.⁴ Effective distribution of EAS messages, however, requires coordination at the State and local level, in part to determine how each EAS entity will receive and redistribute alert information.⁵ This EAS message distribution architecture is maintained and administered in each State by State Emergency Communication Committees (SECCs), non-governmental voluntary groups usually comprised of representatives of broadcasters and other EAS participants (such as cable television service providers), and, occasionally, representatives of State and local government.⁶ EAS participation is technically voluntary, yet virtually all radio and television stations participate.⁷ Broadcasters note many advantages of this system, including that alerts can be localized and can provide market-specific information. The system also eliminates potential bottlenecks by enabling broadcasters to reach millions of people simultaneously without concern over network congestion;

² 47 CFR 11.11(a).

³ 47 CFR 11.11(a).

⁴ FCC, EAS (<https://www.fcc.gov/general/emergency-alert-system-eas-0>) (accessed Apr. 14, 2020).

⁵ This process is known as the alert daisy chain. Alerts are initiated via IPAWS and begin traveling through the EAS system at primary alert entry points (which can vary by alert type and the geolocation of the alert area). The primary alert entry point then distributes the alert to other EAS participants in the chain. The EAS participants then distribute the alert to the general public.

⁶ FCC, *Report and Recommendations, Hawaii Emergency Management Agency January 13, 2018 False Alert*, Apr. 5, 2018, at para 10 (<https://docs.fcc.gov/public/attachments/DOC-350119A1.pdf>) (accessed Apr. 14, 2020).

⁷ *This Is Not a Drill: An Examination of Emergency Alert Systems: Hearing Before the Committee on Commerce, Science, and Transportation, U.S. Senate*, 115th Cong. 25 (Jan. 25, 2018) (prepared statement of Sam Matheny, chief technology officer, National Association of Broadcasters) (<https://www.govinfo.gov/content/pkg/CHRG-115shrg37299/pdf/CHRG-115shrg37299.pdf>) (accessed Apr. 14, 2020).

and it provides redundancy to numerous independently operated stations in each market that deliver alerts.⁸

The WEA system, created by the Warning, Alert, and Response Network (WARN) Act,⁹ allows authorized alert originators to send geographically targeted emergency alerts to wireless devices of consumers whose wireless providers have elected to participate in WEA. Alerts appear like text messages on wireless devices.¹⁰ Wireless providers may elect to participate in WEA within their entire service area, or in parts of it.¹¹ The customers of wireless providers that participate in WEA may opt-out of receiving all WEA messages other than Presidential alerts.¹² Participation in WEA also requires wireless providers to comply with certain technical and operational requirements established by the FCC. Today, all four national wireless providers and dozens of regional providers, serving more than 99 percent of all U.S. subscribers, are voluntarily participating in the WEA system.¹³

However, recent errors in the administration of the national public alerting systems have threatened the integrity and public trust in the systems. On January 13, 2018, Hawaii residents received a false emergency alert through both EAS and WEA issued by the Hawaii Emergency Management Agency warning of an incoming ballistic missile.¹⁴ False emergency alerts like this threaten the credibility of emergency alert messaging and Americans' response to such alerts, which could be catastrophic in the event of a real emergency.¹⁵

The Hawaii false alert revealed a number of flaws with the public warning systems. First, it revealed issues related to alert origination and the interaction of alert originators with IPAWS. Those issues have been addressed by related legislation.¹⁶

⁸Id.

⁹Warning, Alert and Response Network (WARN) Act, Title VI of the Security and Accountability For Every Port Act of 2006, 120 Stat. 1884, codified at 47 U.S.C. 1200, et seq. (2006).

¹⁰FCC, Wireless Emergency Alerts (<https://www.fcc.gov/public-safety-and-homeland-security/policy-and-licensing-division/alerting/general/wireless#block-menu-block-4>) (accessed Apr. 14, 2020).

¹¹See 47 CFR 10.10(f), 10.240. The FCC requires providers that only transit alerts in part of their service area to notify subscribers of that limitation at the point of sale. 47 CFR 10.240(c).

¹²See 47 CFR 10.280(a).

¹³*This Is Not a Drill: An Examination of Emergency Alert Systems: Hearing Before the Committee on Commerce, Science, and Transportation, U.S. Senate*, 115th Cong. 10 (Jan. 25, 2018) (prepared statement of Scott Bergmann, senior vice president, Regulatory Affairs, CTIA) (<https://www.govinfo.gov/content/pkg/CHRG-115shrg37299/pdf/CHRG-115shrg37299.pdf>); Wireless Emergency Alerts, Order on Reconsideration, PS Docket Nos. 15–91, 15–94, 32 FCC Rcd 9621, 9625 n.28 (2017).

¹⁴Amy B. Wang, “Hawaii Missile Alert: How One Employee ‘Pushed The Wrong Button’ and Caused a Wave of Panic,” *Washington Post*, Jan. 14, 2018 (<https://www.washingtonpost.com/news/post-nation/wp/2018/01/14/hawaii-missile-alert-how-one-employee-pushed-the-wrong-button-and-caused-a-wave-of-panic/>) (accessed Apr. 14, 2020).

¹⁵*This Is Not a Drill: An Examination of Emergency Alert Systems: Hearing Before the Committee on Commerce, Science, and Transportation, U.S. Senate*, 115th Cong. 6–7 (Jan. 25, 2018) (prepared statement of Lisa M. Fowlkes, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission) (<https://www.govinfo.gov/content/pkg/CHRG-115shrg37299/pdf/CHRG-115shrg37299.pdf>). See also “[W]e lose the effectiveness of emergency alerting if people simply ignore or opt-out of receiving these critical messages.” *This Is Not a Drill: An Examination of Emergency Alert Systems: Hearing Before the Committee on Commerce, Science, and Transportation, U.S. Senate*, 115th Cong. 10 (Jan. 25, 2018) (prepared statement of Scott Bergmann, senior vice president, Regulatory Affairs, CTIA) (<https://www.govinfo.gov/content/pkg/CHRG-115shrg37299/pdf/CHRG-115shrg37299.pdf>).

¹⁶See Authenticating Local Emergencies and Real Threats (ALERT) Act of 2018, S. 2385 (115th Cong.), passed as modified as section 1756 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92).

The after-action reviews of the Hawaii false alert also revealed other concerns about EAS and WEA.¹⁷ For example, they revealed a need to standardize operating procedures related to IPAWS and State EAS Plans to ensure consistency. As a result, S. 2693 would direct both the FCC and FEMA to develop new tools to restore that consistency, including more detailed FCC reviews of State EAS Plans (which now would be updated on a yearly basis), and new FEMA guidance to assist alert originators in the proper use of IPAWS to distribute alerts over EAS and WEA. Separately, many stakeholders noted that the FCC lacked a systematic way to track false alerts and that the agency did not have a checklist in place to make sure that it did a thorough review of State EAS Plans. In addition, the current EAS and WEA systems have been criticized for: (1) allowing wireless consumers to block FEMA-issued alerts while Presidential alerts cannot be blocked; (2) for not repeating certain alerts distributed over EAS; and (3) for not issuing EAS alerts over the internet. In all three cases, stakeholders are concerned that certain key alerts would be missed by some or all of the population without updates to the EAS and WEA rules. S. 2693 would address these shortcomings.

SUMMARY OF PROVISIONS

S. 2693 would ensure the integrity and reliability of public alerts by:

- Prohibiting commercial mobile service licensees from offering wireless subscribers the ability to opt-out of emergency alerts issued by FEMA, consistent with those issued by the President of the United States.
- Encouraging States to establish SECCs, if they have not done so already, and to review the membership of existing SECCs.
- Directing States to review their State EAS Plans yearly, and submitting any changes to the FCC for review.
- Requiring the FCC to create a process for reviewing State EAS Plans.
- Requiring FEMA to issue guidance on how State, Tribal, and local governments can more effectively participate in IPAWS.
- Directing the FCC to require reporting of false alerts, to develop rules for repeating certain EAS messages, and to examine the feasibility of providing EAS alerts through the internet.

LEGISLATIVE HISTORY

S. 2693 was introduced on October 24, 2019, by Senator Schatz (for himself and Senator Thune) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Tester is an additional cosponsor. On November 13, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2693 reported favorably without amendment.

During the 115th Congress, Senator Schatz introduced S. 3238, the Reliable Emergency Alert Distribution Improvement Act of 2018. Senator Thune was an original cosponsor of that bill, and Senator Wicker was a cosponsor. On December 17, 2018, S. 3238

¹⁷FCC, *Report and Recommendations, Hawaii Emergency Management Agency January 13, 2018 False Alert*, Apr. 5, 2018, at para 40 (<https://docs.fcc.gov/public/attachments/DOC-350119A1.pdf>) (accessed Apr. 14, 2020).

was discharged from the Committee by unanimous consent. That same day, S. 3238 passed the Senate by unanimous consent, with an amendment (in the nature of a substitute).

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2693, READI Act			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on November 13, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold

* = between zero and \$500,000.

S. 2693 would require the Federal Communications Commission (FCC), in consultation with the Federal Emergency Management Agency (FEMA), to adopt regulations to:

- Ensure subscribers to commercial mobile services receive emergency alerts from FEMA,
- Require State Emergency Communication Committees (SECCs) to review and update their Emergency Alert System (EAS) plans each year and submit those plans to the FCC for approval,
- Establish a system to collect false alert reports under the EAS or Wireless Emergency Alert System, and
- Modify the EAS to allow repeating messages from the President or FEMA while an emergency persists.

S. 2693 also would require the FCC to study the feasibility of providing EAS alerts through internet-based applications. Finally, the bill would require FEMA to issue guidance on how state, local, and tribal governments can participate in the Integrated Public Alert and Warning System.

CBO assumes that S. 2693 will be enacted in fiscal year 2020. Using information from the affected agencies, CBO estimates that it would cost the FCC \$2 million over the 2020–2025 period to implement the bill. However, because the FCC is authorized to collect fees each year sufficient to offset the appropriated costs of its regulatory activities, CBO estimates that the net cost to the FCC would be negligible, assuming appropriation actions consistent with that authority. CBO also estimates that it would cost FEMA \$1 million

over the 2020–2021 period to assist the FCC with rulemaking and to develop the required guidance, subject to the availability of appropriated funds.

The bill contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate cost of the intergovernmental and private-sector mandates would fall below the UMRA thresholds (\$84 and \$168 million in 2020, respectively, adjusted annually for inflation).

Providers of commercial mobile services would be prohibited from allowing consumers to decline emergency alerts sent to their mobile device as issued by FEMA. That prohibition would impose a private-sector mandate. Providers of commercial mobile services currently offer the ability to decline emergency alerts from FEMA as an additional service to their customers; CBO expects the cost to eliminate that service would be small.

If the FCC increases annual fee collections to offset the costs of implementing provisions in the bill, S. 2693 would increase the cost of an existing private-sector mandate on entities required to pay those fees. Using information from the FCC, CBO estimates that the incremental cost of the mandate would be small.

The bill would require SECCs to meet annually to review and update their state’s EAS Plan. Each SECC also would be required to verify their meeting with the FCC. Requirements on SECCs would impose an intergovernmental and private-sector mandate because SECCs are overseen by and composed of individuals in the public and private sectors. Because most SECCs currently meet at least annually to amend their state’s EAS plans, the incremental cost of the mandate would be small.

The CBO staff contacts for this estimate are David Hughes (for the FCC), Jon Sperl (for FEMA), and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 2693 would direct the FCC and FEMA to take certain actions to improve their oversight of the Nation’s public alerting systems. In most respects, the entities regulated by these agencies under the bill are the same as under current law. The bill would, however, direct the FCC to examine the feasibility of distributing emergency alerts through the internet, including streaming internet services. These services are not traditionally within the jurisdiction of the FCC.

ECONOMIC IMPACT

S. 2693 is not expected to have an adverse impact on the Nation’s economy.

PRIVACY

S. 2693 is not expected to have an adverse impact on the personal privacy of individuals.

PAPERWORK

S. 2693 would not increase paperwork requirements for private individuals or businesses. S. 2693 would encourage States to create SECCs, to the extent that those do not already exist. It also would direct those SECCs to prepare yearly updates to the State EAS Plan of their State for submission to the FCC for review. In order to facilitate that review, the FCC must prepare a content checklist for SECCs to use when reviewing and updating the State EAS Plan. This yearly update process does not exist under current law, and likely will require SECCs to generate additional paperwork to ensure full compliance.

In addition, S. 2693 would direct FEMA to prepare new guidance for State, Tribal, and local governments related to their participation in the IPAWS. That guidance must be developed in conjunction with a public consultation process that includes FEMA coordinating with a number of named stakeholders.

Finally, S. 2693 would increase paperwork related to the FCC. First, it directs the FCC to create a new process by which users of the IPAWS would submit notifications to the FCC related to the issuance of false emergency alerts. In addition, the FCC must prepare a report to Congress related to its findings on the feasibility of issuing emergency alerts through the internet, including via streaming services.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide the short title of the bill, the “Reliable Emergency Alert Distribution Improvement Act of 2019” or “READI Act”.

Section 2. Definitions.

This section would define four terms used throughout the bill, including “Emergency Alert System” and “Wireless Emergency Alert System”.

Section 3. Wireless Emergency Alert System offerings.

This section would amend section 602(b)(2)(E) of the Warning, Alert, and Response Network Act by: (1) including new language prohibiting a commercial mobile service licensee from offering subscribers the capability to opt-out of receiving wireless emergency alerts from FEMA (currently, subscribers are only prohibited from opting-out of alerts issued by the President); and (2) striking a requirement that the FCC review whether such licensees should be

able to allow subscribers to opt-out of other wireless alerts. The FCC would be directed to adopt regulations, in consultation with FEMA, to implement this requirement within 180 days of enactment.

Section 4. State Emergency Alert System Plans and Emergency Communications Committees.

Subsection (a) of this section would define three key terms used throughout the section, including “SECC” (defined to mean a State Emergency Communications Committee) and “State EAS Plan” (defined to mean a State Emergency Alert System Plan).

Subsection (b) of this section would direct the FCC to adopt regulations within 180 days of enactment to do the following:

- Encourage the chief executive of each State to establish an SECC, if it has not done so already; or if the State has an SECC, to review the composition and governance of that SECC;
- Provide that each SECC meet, review, and update its State EAS Plan not less than annually, certify to the Commission that it has met as required, and submit to the Commission an updated plan;
- Direct the Commission to approve or disapprove of the updated State EAS Plan within 60 days of submission and notify the State of its findings; and
- Establish a State EAS Plan content checklist for use during the review process.

Subsection (c) of this section directs the FCC to consult with the FEMA Administrator on the development of the State EAS Plan content checklist.

Section 5. Integrated public alert and warning systems guidance.

Subsection (a) of this section would require FEMA to develop and issue guidance within 1 year of enactment on how State, Tribal, and local governments can participate in the integrated public alert and warning system (system) of the United States, while maintaining the integrity of the system. This guidance must include the following:

- Guidance on the categories of public emergencies and appropriate circumstances that warrant an alert through the system;
- Procedures to authenticate civil emergencies and initiate, modify, and cancel alerts through the system, including protocols and technology capabilities for:
 - The initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;
 - Testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the system; and
 - Steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the system;
- The standardization, functionality, and interoperability of incident management and warning tools to notify the public of an emergency through the system;

- The annual training and recertification of emergency management personnel on requirements for originating and transmitting alerts through the system;
- The procedures, protocols, and guidance concerning the protective action plans that such governments should issue to the public following an alert through the system;
- The procedures, protocols, and guidance concerning the communications that such governments should issue to the public following a false alert through the system;
- A plan by which such governments may contact each other, Federal officials and participants in the relevant emergency alert systems during an emergency regarding an alert through the system; and
- Other procedures the FEMA Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the system.

Subsection (b) of this section would require FEMA to ensure that the guidance developed under subsection (a) does not conflict with recommendations made for improving the system provided in the report submitted by the National Advisory Council created by the Integrated Public Alert and Warning System Modernization Act of 2015.¹⁸

Subsection (c) of this section would direct FEMA to ensure appropriate public consultation and, to the extent practicable, coordinate the development of the guidance with stakeholders of the system, including the following:

- Appropriate personnel from Federal agencies;
- Representatives of State, Tribal, and local governments;
- Representatives of Tribes and national Indian organizations;
- Communications service providers;
- Vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;
- Third-party service bureaus;
- The national organization representing noncommercial broadcast television stations;
- Technical experts from the broadcasting industry;
- Educators from the Emergency Management Institute; and
- Other individuals with technical expertise.

Subsection (d) of this section would exempt the public consultation process under subsection (c) from the Federal Advisory Committee Act.¹⁹

Subsection (e) of this section would provide that nothing in subsection (a) should be construed to amend, supplement, or abridge the authority of the FCC under the Communications Act of 1934,²⁰ or in any other manner give the FEMA Administrator authority over communications service providers participating in the EAS or WEA. The Committee intends for this rule of construction to be interpreted as broadly as possible, and to that end, for the term communications service providers to be interpreted to cover all entities

¹⁸ Public Law 114–143.

¹⁹ 5 U.S.C. App.

²⁰ 47 U.S.C. 151 et seq.

that participate in EAS and WEA otherwise within the jurisdiction of the FCC.

Section 6. False alert reporting.

This section would require the FCC, in consultation with FEMA, to complete a rulemaking within 180 days of enactment to establish a system to receive from the FEMA Administrator or State, Tribal, or local governments reports of false alerts under the EAS or WEA. The FCC would be directed to use this information for the purpose of recording such false alerts and examining their causes. The Committee intends for FEMA, as well as State, Tribal, and local governments, to make full use of this false alert reporting process, and for the FCC to take whatever steps necessary to encourage the use of the process by those entities (including by making the false alert reporting process as simple as practicable).

Section 7. Repeating emergency alert system messages for national security.

This section would require the FCC, in consultation with FEMA, to complete a rulemaking within 180 days of enactment to modify the EAS to provide repeating EAS messages for a pending alert issued by (1) the President; (2) FEMA; or (3) any other entity under specified circumstances determined by the FCC.

Section 8. Internet and online streaming services emergency alert examination.

Subsection (a) of this section would require the FCC to complete an inquiry within 180 days and after notice and comment to examine the feasibility of updating EAS to enable or improve alerts to consumers provided through the internet, including through streaming services.

Subsection (b) of this section would direct the FCC to submit to specifically named congressional committees a report on the findings and conclusions of the inquiry required under subsection (a) within 90 days of its completion.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, 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 material is printed in italic, existing law in which no change is proposed is shown in roman):

**WARNING, ALERT, AND RESPONSE
NETWORK ACT**

[Pub. L. 109-347; 47 U.S.C. 1201(b)(2)(E)]

SEC. 602. FEDERAL COMMUNICATIONS COMMISSION DUTIES.

(a) * * *

(b) COMMERCIAL MOBILE SERVICE ELECTION.—

(1) * * *

(2) ELECTION.—

(A) * * *

- (B) * * *
- (C) * * *
- (D) * * *

(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—*

(A) the President; or

(B) the Administrator of the Federal Emergency Management Agency.

* * * * *

