

115TH CONGRESS
2D SESSION

S. 2385

To establish best practices for State, tribal, and local governments participating in the Integrated Public Alert and Warning System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2018

Mr. SCHATZ (for himself, Ms. HARRIS, Mr. GARDNER, Mr. SULLIVAN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish best practices for State, tribal, and local governments participating in the Integrated Public Alert and Warning System, 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 “Authenticating Local
5 Emergencies and Real Threats Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Administrator” means the Ad-
9 ministrator of the Agency;

1 (2) the term “Agency” means the Federal
2 Emergency Management Agency;

3 (3) the term “public alert and warning system”
4 means the integrated public alert and warning sys-
5 tem of the United States described in section 526 of
6 the Homeland Security Act of 2002 (6 U.S.C.
7 321o); and

8 (4) the term “State” means any State of the
9 United States, the District of Columbia, the Com-
10 monwealth of Puerto Rico, the Virgin Islands,
11 Guam, American Samoa, the Commonwealth of the
12 Northern Mariana Islands, and any possession of the
13 United States.

14 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
15 **TEM SUBCOMMITTEE.**

16 Section 2 of the Integrated Public Alert and Warning
17 System Modernization Act of 2015 (Public Law 114–143;
18 130 Stat. 327) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (6)(B)—

21 (i) in clause (i), by striking “and” at
22 the end;

23 (ii) in clause (ii)(VII), by striking the
24 period at the end and inserting “; and”;
25 and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) recommendations for best prac-
4 tices of State, tribal, and local govern-
5 ments to follow to maintain the integrity of
6 the public alert and warning system, in-
7 cluding—

8 “(I) the procedures for State,
9 tribal, and local government officials
10 to authenticate civil emergencies and
11 initiate, modify, and cancel alerts
12 transmitted through the public alert
13 and warning system, including proto-
14 cols and technology capabilities for—

15 “(aa) the initiation, or pro-
16 hibition on the initiation, of
17 alerts by a single authorized or
18 unauthorized individual; and

19 “(bb) testing a State, tribal,
20 or local government incident
21 management and warning tool
22 without accidentally initiating an
23 alert through the public alert and
24 warning system;

1 “(II) the standardization,
 2 functionality, and interoperability of
 3 incident management and warning
 4 tools used by State, tribal, and local
 5 governments to notify the public of an
 6 emergency through the public alert
 7 and warning system;

8 “(III) the training and recertifi-
 9 cation of emergency management per-
 10 sonnel on best practices for origi-
 11 nating and transmitting an alert
 12 through the public alert and warning
 13 system; and

14 “(IV) the procedures, protocols,
 15 and guidance concerning the protec-
 16 tive action plans that State, tribal,
 17 and local governments should issue to
 18 the public following an alert issued
 19 under the public alert and warning
 20 system.”;

21 (B) in paragraph (7)—

22 (i) in subparagraph (A)—

23 (I) by striking “Not later than”
 24 and inserting the following:

1 “(i) INITIAL REPORT.—Not later
2 than”;

3 (II) in clause (i), as so des-
4 ignated, by striking “paragraph (6)”
5 and inserting “clauses (i) and (ii) of
6 paragraph (6)(B)”;

7 (III) by adding at the end the
8 following:

9 “(ii) SECOND REPORT.—Not later
10 than 18 months after the date of enact-
11 ment of the Authenticating Local Emer-
12 gencies and Real Threats Act of 2018, the
13 Subcommittee shall submit to the National
14 Advisory Council a report containing any
15 recommendations required to be developed
16 under paragraph (6)(B)(iii) for approval
17 by the National Advisory Council.”;

18 (ii) in subparagraph (B), by striking
19 “report” each place that term appears and
20 inserting “reports”;

21 (C) in paragraph (8), by striking “3” and
22 inserting “5”;

23 (2) in subsection (c), by striking “and 2018”
24 and inserting “2018, 2019, 2020, and 2021”.

1 **SEC. 4. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
2 **TEM PARTICIPATORY REQUIREMENTS.**

3 The Administrator shall—

4 (1) consider the recommendations submitted by
5 the Integrated Public Alert and Warning System
6 Subcommittee to the National Advisory Council
7 under section 2(b)(7) of the Integrated Public Alert
8 and Warning System Modernization Act of 2015
9 (Public Law 114–143; 130 Stat. 331), as amended
10 by section 3 of this Act; and

11 (2) not later than 120 days after the date on
12 which the recommendations described in paragraph
13 (1) are submitted, establish minimum requirements
14 for State, tribal, and local governments to partici-
15 pate in the public alert and warning system con-
16 sistent with all public notice rules and regulations in
17 law.

18 **SEC. 5. INCIDENT MANAGEMENT AND WARNING TOOL VALI-**
19 **DATION.**

20 (a) IN GENERAL.—The Administrator shall establish
21 a process to ensure that an incident management and
22 warning tool used by a State, tribal, or local government
23 to originate and transmit an alert through the public alert
24 and warning system meets the minimum requirements es-
25 tablished by the Administrator under section 4(2).

1 (b) REQUIREMENTS.—The process required to be es-
2 tablished under subsection (a) shall include—

3 (1) the ability to test an incident management
4 and warning tool in the public alert and warning
5 system lab;

6 (2) the ability to certify that an incident man-
7 agement and warning tool complies with the applica-
8 ble cyber frameworks of the Department of Home-
9 land Security and the National Institute of Stand-
10 ards and Technology;

11 (3) a process to certify developers of emergency
12 management software; and

13 (4) requiring developers to provide the Adminis-
14 trator with a copy of and rights of use for ongoing
15 testing of each version of incident management and
16 warning tool software before the software is first
17 used by a State, tribal, or local government.

18 **SEC. 6. REVIEW AND UPDATE OF MEMORANDA OF UNDER-**
19 **STANDING.**

20 (a) IN GENERAL.—The Administrator shall review
21 the memoranda of understanding between the Agency and
22 State, tribal, and local governments with respect to the
23 public alert and warning system to ensure that all agree-
24 ments ensure compliance with any minimum requirements
25 established by the Administrator under section 4(2).

1 (b) FUTURE MEMORANDA.—The Administrator shall
2 ensure that any new memorandum of understanding en-
3 tered into between the Agency and a State, tribal, or local
4 government on or after the date of enactment of this Act
5 with respect to the public alert and warning system en-
6 sures that the agreement requires compliance with any
7 minimum requirements established by the Administrator
8 under section 4(2).

9 **SEC. 7. MISSILE ALERT AND WARNING AUTHORITIES.**

10 (a) IN GENERAL.—

11 (1) AUTHORITY.—The authority to originate an
12 alert warning the public of a missile launch directed
13 against a State using the public alert and warning
14 system shall reside solely with the Federal Govern-
15 ment.

16 (2) ACTIVATION OF SYSTEM.—Upon verification
17 of a missile threat, the President, utilizing estab-
18 lished authorities, protocols and procedures, may ac-
19 tivate the public alert and warning system.

20 (b) REQUIRED PROCESSES.—The Secretary of
21 Homeland Security, acting through the Administrator,
22 shall establish a process to promptly notify a State warn-
23 ing point, and any State entities that the Administrator
24 determines appropriate, of follow-up actions to a missile
25 launch alert so the State may take appropriate action to

1 protect the health, safety, and welfare of the residents of
2 the State following the issuance of an alert described in
3 subsection (a)(1) for that State.

4 (c) GUIDANCE.—The Secretary of Homeland Secu-
5 rity, acting through the Administrator, shall work with the
6 Governor of a State warning point to develop and imple-
7 ment appropriate protective action plans to respond to an
8 alert described in subsection (a)(1) for that State.

9 (d) STUDY AND REPORT.—Not later than 1 year
10 after the date of enactment of this Act, the Secretary of
11 Homeland Security shall—

12 (1) examine the feasibility of establishing an
13 alert designation under the public alert and warning
14 system that would be used to alert and warn the
15 public of a missile threat while concurrently alerting
16 a State warning point so that a State may activate
17 related protective action plans; and

18 (2) submit a report of the findings under para-
19 graph (1), including of the costs and timeline for
20 taking action to implement an alert designation de-
21 scribed in paragraph (1), to—

22 (A) the Subcommittee on Homeland Secu-
23 rity of the Committee on Appropriations of the
24 Senate;

1 (B) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (C) the Subcommittee on Homeland Security
4 of the Committee on Appropriations of the
5 House of Representatives; and

6 (D) the Committee on Homeland Security
7 of the House of Representatives.

8 **SEC. 8. AWARENESS OF ALERTS AND WARNINGS.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Administrator shall—

11 (1) conduct a review of—

12 (A) the Emergency Operations Center of
13 the Agency; and

14 (B) the National Watch Center and each
15 Regional Watch Center of the Agency; and

16 (2) submit to the Committee on Homeland Security
17 and Governmental Affairs of the Senate and
18 the Committee on Homeland Security of the House
19 of Representatives a report on the review conducted
20 under paragraph (1), which shall include—

21 (A) an assessment of the technical capability
22 of the Emergency Operations Center and
23 the National and Regional Watch Centers described
24 in paragraph (1) to be notified of alerts

1 and warnings issued by a State through the
2 public alert and warning system;

3 (B) a determination of which State alerts
4 and warnings the Emergency Operations Center
5 and the National and Regional Watch Centers
6 described in paragraph (1) should be aware of;
7 and

8 (C) recommendations for improving the
9 ability of the National and Regional Watch
10 Centers described in paragraph (1) to receive
11 any State alerts and warnings that the Admin-
12 istrator determines are appropriate.

13 **SEC. 9. TIMELINE FOR COMPLIANCE.**

14 Each State shall be given a reasonable amount of
15 time to comply with any new rules, regulations, or require-
16 ments imposed under this Act or the amendments made
17 by this Act.

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