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JUNE 27, 2018

Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Authenticating Local
3 Emergencies and Real Threats Act of 2018”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

6 (1) the term “Administrator” means the Ad-
7 ministrator of the Agency;

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

10 (3) the term “public alert and warning system”
11 means the integrated public alert and warning sys-
12 tem of the United States described in section 526 of
13 the Homeland Security Act of 2002 (6 U.S.C.
14 321o); and

15 (4) the term “State” means any State of the
16 United States, the District of Columbia, the Com-
17 monwealth of Puerto Rico, the Virgin Islands,
18 Guam, American Samoa, the Commonwealth of the
19 Northern Mariana Islands, and any possession of the
20 United States.

21 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
22 **TEM SUBCOMMITTEE.**

23 Section 2 of the Integrated Public Alert and Warning
24 System Modernization Act of 2015 (Public Law 114–143;
25 130 Stat. 327) is amended—

26 (1) in subsection (b)—

1 (A) in paragraph (6)(B)—

2 (i) in clause (i), by striking “and” at
3 the end;

4 (ii) in clause (ii)(VII), by striking the
5 period at the end and inserting “; and”;
6 and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(iii) recommendations for best prac-
10 tices of State, tribal, and local govern-
11 ments to follow to maintain the integrity of
12 the public alert and warning system, in-
13 cluding—

14 “(I) the procedures for State,
15 tribal, and local government officials
16 to authenticate civil emergencies and
17 initiate, modify, and cancel alerts
18 transmitted through the public alert
19 and warning system, including proto-
20 cols and technology capabilities for—

21 “(aa) the initiation, or pro-
22 hibition on the initiation, of
23 alerts by a single authorized or
24 unauthorized individual; and

1 “(bb) testing a State, tribal,
2 or local government incident
3 management and warning tool
4 without accidentally initiating an
5 alert through the public alert and
6 warning system;

7 “(II) the standardization,
8 functionality, and interoperability of
9 incident management and warning
10 tools used by State, tribal, and local
11 governments to notify the public of an
12 emergency through the public alert
13 and warning system;

14 “(III) the training and recertifi-
15 cation of emergency management per-
16 sonnel on best practices for origi-
17 nating and transmitting an alert
18 through the public alert and warning
19 system; and

20 “(IV) the procedures, protocols,
21 and guidance concerning the protec-
22 tive action plans that State, tribal,
23 and local governments should issue to
24 the public following an alert issued

1 under the public alert and warning
2 system.”;

3 (B) in paragraph (7)—

4 (i) in subparagraph (A)—

5 (I) by striking “Not later than”
6 and inserting the following:

7 “(i) INITIAL REPORT.—Not later
8 than”;

9 (II) in clause (i), as so des-
10 ignated, by striking “paragraph (6)”
11 and inserting “clauses (i) and (ii) of
12 paragraph (6)(B)”;

13 (III) by adding at the end the
14 following:

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

1 (ii) in subparagraph (B), by striking
2 “report” each place that term appears and
3 inserting “reports”; and

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

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

8 **SEC. 4. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
9 **TEM PARTICIPATORY REQUIREMENTS.**

10 The Administrator shall—

11 (1) consider the recommendations submitted by
12 the Integrated Public Alert and Warning System
13 Subcommittee to the National Advisory Council
14 under section 2(b)(7) of the Integrated Public Alert
15 and Warning System Modernization Act of 2015
16 (Public Law 114–143; 130 Stat. 331), as amended
17 by section 3 of this Act; and

18 (2) not later than 120 days after the date on
19 which the recommendations described in paragraph
20 (1) are submitted, establish minimum requirements
21 for State, tribal, and local governments to partici-
22 pate in the public alert and warning system con-
23 sistent with all public notice rules and regulations in
24 law.

1 **SEC. 5. INCIDENT MANAGEMENT AND WARNING TOOL VALI-**
2 **DATION.**

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

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

11 (1) the ability to test an incident management
12 and warning tool in the public alert and warning
13 system lab;

14 (2) the ability to certify that an incident man-
15 agement and warning tool complies with the applica-
16 ble cyber frameworks of the Department of Home-
17 land Security and the National Institute of Stand-
18 ards and Technology;

19 (3) a process to certify developers of emergency
20 management software; and

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

1 **SEC. 6. REVIEW AND UPDATE OF MEMORANDA OF UNDER-**
2 **STANDING.**

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

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

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

18 (a) IN GENERAL.—

19 (1) AUTHORITY.—Beginning on the date that is
20 120 days after the date of enactment of this Act, the
21 authority to originate an alert warning the public of
22 a missile launch directed against a State using the
23 public alert and warning system shall reside pri-
24 marily with the Federal Government.

25 (2) DELEGATION OF AUTHORITY.—The Sec-
26 retary of Homeland Security may delegate to a

1 State, tribal, or local entity the authority described
2 in paragraph (1), if, not later than 60 days after the
3 end of the 120-day period described in paragraph
4 (1), the Secretary of Homeland Security submits a
5 report to the Committee on Homeland Security and
6 Governmental Affairs of the Senate and the Com-
7 mittee on Homeland Security of the House of Rep-
8 resentatives that—

9 (A) it is not feasible for the Federal Gov-
10 ernment to alert the public of a missile threat
11 against a State; or

12 (B) it is not in the national security inter-
13 est of the United States for the Federal Gov-
14 ernment to alert the public of missile threat
15 against a State.

16 (3) 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.

Passed the Senate June 26, 2018.

Attest:

JULIE E. ADAMS,

Secretary.