

115TH CONGRESS
2D SESSION

S. 3238

AN ACT

To improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.

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 “Reliable Emergency
3 Alert Distribution Improvement Act of 2018” or “READI
4 Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act—

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

10 (2) the term “Commission” means the Federal
11 Communications Commission;

12 (3) the term “Emergency Alert System” means
13 the national public warning system, the rules for
14 which are set forth in part 11 of title 47, Code of
15 Federal Regulations (or any successor regulation);
16 and

17 (4) the term “Wireless Emergency Alert Sys-
18 tem” means the wireless national public warning
19 system established under the Warning, Alert, and
20 Response Network Act (47 U.S.C. 1201 et seq.), the
21 rules for which are set forth in part 10 of title 47,
22 Code of Federal Regulations (or any successor regu-
23 lation).

1 **SEC. 3. WIRELESS EMERGENCY ALERT SYSTEM OFFERINGS.**

2 (a) AMENDMENT.—Section 602(b)(2)(E) of the
3 Warning, Alert, and Response Network Act (47 U.S.C.
4 1201(b)(2)(E)) is amended—

5 (1) by striking the second and third sentences;

6 and

7 (2) by striking “other than an alert issued by
8 the President.” and inserting the following: “other
9 than an alert issued by—

10 “(A) the President; or

11 “(B) the Administrator of the Federal
12 Emergency Management Agency.”.

13 (b) REGULATIONS.—Not later than 180 days after
14 the date of enactment of this Act, the Commission, in con-
15 sultation with the Administrator, shall adopt regulations
16 to implement the amendment made by subsection (a)(2).

17 **SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND**
18 **EMERGENCY COMMUNICATIONS COMMIT-**
19 **TEES.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term “SECC” means a State Emer-
22 gency Communications Committee;

23 (2) the term “State” means any State of the
24 United States, the District of Columbia, the Com-
25 monwealth of Puerto Rico, the United States Virgin
26 Islands, Guam, American Samoa, the Common-

1 wealth of the Northern Mariana Islands, and any
2 possession of the United States; and

3 (3) the term “State EAS Plan” means a State
4 Emergency Alert System Plan.

5 (b) STATE EMERGENCY COMMUNICATIONS COM-
6 MITTEE.—Not later than 180 days after the date of enact-
7 ment of this Act, the Commission shall adopt regulations
8 that—

9 (1) encourage the chief executive of each
10 State—

11 (A) to establish an SECC if the State does
12 not have an SECC; or

13 (B) if the State has an SECC, to review
14 the composition and governance of the SECC;

15 (2) provide that—

16 (A) each SECC, not less frequently than
17 annually, shall—

18 (i) meet to review and update its
19 State EAS Plan;

20 (ii) certify to the Commission that the
21 SECC has met as required under clause
22 (i); and

23 (iii) submit to the Commission an up-
24 dated State EAS Plan; and

(B) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under subparagraph (A)(iii), the Commission shall—

(i) approve or disapprove the updated State EAS Plan; and

(ii) notify the chief executive of the State of the Commission’s findings; and

(3) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under paragraph (2)(A).

(c) CONSULTATION.—The Commission shall consult with the Administrator regarding the adoption of regulations under subsection (b)(3).

SEC. 5. EMERGENCY ALERT BEST PRACTICES.

(a) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and issue guidance for State, Tribal, and local governments regarding policies and procedures relating to emergency alerts.

(2) CONTENTS.—The guidance developed under paragraph (1) shall include best practices and recommendations for—

1 (A) the processes and procedures that a
2 State, Tribal, or local government official
3 should use to issue an alert that will use the
4 Emergency Alert System or Wireless Emer-
5 gency Alert System, including information
6 about the technology used to issue such an
7 alert;

8 (B) steps that a State, Tribal, or local gov-
9 ernment official should take to mitigate the
10 possibility of the issuance of a false alert
11 through the Emergency Alert System and re-
12 lated emergency alerting systems;

13 (C) the process that a State, Tribal, or
14 local government official should adopt to retract
15 a false alert in the case of the issuance of such
16 an alert;

17 (D) the annual training of State, Tribal,
18 and local alert origination staff related to the—

19 (i) issuance of alerts;

20 (ii) avoidance of false alerts; and

21 (iii) retracting of false alerts; and

22 (E) a plan by which participants in the
23 Emergency Alert System and the Wireless
24 Emergency Alert System and other relevant
25 State, Tribal, and local government officials

1 may, during an emergency, contact each other,
2 as well as Federal officials, when appropriate
3 and necessary, by telephone, text message, or
4 other means of communication, regarding an
5 alert that has been distributed to the public.

6 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
7 section (a) shall be construed to amend, supplement, or
8 abridge the authority of the Commission under the Com-
9 munications Act of 1934 (47 U.S.C. 151 et seq.) or in
10 any other manner give the Administrator authority over
11 communications service providers participating in the
12 Emergency Alert System or the Wireless Emergency Alert
13 System.

14 **SEC. 6. FALSE ALERT REPORTING.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Commission, in consultation with the Ad-
17 ministrator, shall complete a rulemaking proceeding to es-
18 tablish a system to receive from the Administrator or
19 State, Tribal, or local governments reports of false alerts
20 under the Emergency Alert System or the Wireless Emer-
21 gency Alert System for the purpose of recording such false
22 alerts and examining their causes.

1 **SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MES-**
 2 **SAGES FOR NATIONAL SECURITY.**

3 Not later than 180 days after the date of enactment
 4 of this Act, the Commission, in consultation with the Ad-
 5 ministrator, shall complete a rulemaking proceeding to
 6 modify the Emergency Alert System to provide for repeat-
 7 ing Emergency Alert System messages while an alert re-
 8 mains pending that is issued by—

- 9 (1) the President;
- 10 (2) the Administrator; or
- 11 (3) any other entity under specified cir-
 12 cumstances as determined by the Commission, in
 13 consultation with the Administrator.

14 **SEC. 8. INTERNET AND ONLINE STREAMING SERVICES**
 15 **EMERGENCY ALERT EXAMINATION.**

16 (a) STUDY.—Not later than 180 days after the date
 17 of enactment of this Act, and after providing public notice
 18 and opportunity for comment, the Commission shall com-
 19 plete an inquiry to examine the feasibility of updating the
 20 Emergency Alert System to enable or improve alerts to
 21 consumers provided through the internet, including
 22 through streaming services.

23 (b) REPORT.—Not later than 90 days after com-
 24 pleting the inquiry under subsection (a), the Commission
 25 shall submit a report on the findings and conclusions of
 26 the inquiry to—

1 (1) the Committee on Commerce, Science, and
2 Transportation of the Senate; and

3 (2) the Committee on Energy and Commerce of
4 the House of Representatives.

Passed the Senate December 17, 2018.

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

S. 3238

AN ACT

To improve oversight by the Federal Communications Commission of the wireless and broadcast emergency alert systems.