

116TH CONGRESS
1ST SESSION

H. R. 4856

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2019

Mr. MCNERNEY (for himself, Mr. BILIRAKIS, Ms. GABBARD, and Mr. OLSON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and 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

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reliable Emergency
5 Alert Distribution Improvement Act of 2019” or “READI
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

1 (1) the term “Administrator” means the Ad-
2 ministrator of the Federal Emergency Management
3 Agency;

4 (2) the term “Commission” means the Federal
5 Communications Commission;

6 (3) the term “Emergency Alert System” means
7 the national public warning system, the rules for
8 which are set forth in part 11 of title 47, Code of
9 Federal Regulations (or any successor regulation);
10 and

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

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

19 (a) AMENDMENT.—Section 602(b)(2)(E) of the
20 Warning, Alert, and Response Network Act (47 U.S.C.
21 1201(b)(2)(E)) is amended—

22 (1) by striking the second and third sentences;
23 and

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

4 “(A) the President; or

5 “(B) the Administrator of the Federal
6 Emergency Management Agency.”.

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

11 **SEC. 4. STATE EMERGENCY ALERT SYSTEM PLANS AND**
12 **EMERGENCY COMMUNICATIONS COMMIT-**
13 **TEES.**

14 (a) DEFINITIONS.—In this section—

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

17 (2) the term “State” means any State of the
18 United States, the District of Columbia, the Com-
19 monwealth of Puerto Rico, the United States Virgin
20 Islands, Guam, American Samoa, the Common-
21 wealth of the Northern Mariana Islands, and any
22 possession of the United States; and

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

1 (b) STATE EMERGENCY COMMUNICATIONS COM-
2 MITTEE.—Not later than 180 days after the date of enact-
3 ment of this Act, the Commission shall adopt regulations
4 that—

5 (1) encourage the chief executive of each
6 State—

7 (A) to establish an SECC if the State does
8 not have an SECC; or

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

11 (2) provide that—

12 (A) each SECC, not less frequently than
13 annually, shall—

14 (i) meet to review and update its
15 State EAS Plan;

16 (ii) certify to the Commission that the
17 SECC has met as required under clause

18 (i); and

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

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

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

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

5 (3) establish a State EAS Plan content check-
6 list for SECCs to use when reviewing and updating
7 a State EAS Plan for submission to the Commission
8 under paragraph (2)(A).

9 (c) CONSULTATION.—The Commission shall consult
10 with the Administrator regarding the adoption of regula-
11 tions under subsection (b)(3).

12 **SEC. 5. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
13 **TEM GUIDANCE.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Administrator shall de-
16 velop and issue guidance on how State, Tribal, and local
17 governments can participate in the integrated public alert
18 and warning system of the United States described in sec-
19 tion 526 of the Homeland Security Act of 2002 (6 U.S.C.
20 321o) (referred to in this section as the “public alert and
21 warning system”) while maintaining the integrity of the
22 public alert and warning system, including—

23 (1) guidance on the categories of public emer-
24 gencies and appropriate circumstances that warrant
25 an alert and warning from State, Tribal, and local

1 governments using the public alert and warning sys-
2 tem;

3 (2) the procedures for State, Tribal, and local
4 government officials to authenticate civil emer-
5 gencies and initiate, modify, and cancel alerts trans-
6 mitted through the public alert and warning system,
7 including protocols and technology capabilities for—

8 (A) the initiation, or prohibition on the ini-
9 tiation, of alerts by a single authorized or unau-
10 thorized individual;

11 (B) testing a State, Tribal, or local govern-
12 ment incident management and warning tool
13 without accidentally initiating an alert through
14 the public alert and warning system; and

15 (C) steps a State, Tribal, or local govern-
16 ment official should take to mitigate the possi-
17 bility of the issuance of a false alert through
18 the public alert and warning system;

19 (3) the standardization, functionality, and inter-
20 operability of incident management and warning
21 tools used by State, Tribal, and local governments to
22 notify the public of an emergency through the public
23 alert and warning system;

24 (4) the annual training and recertification of
25 emergency management personnel on requirements

1 for originating and transmitting an alert through
2 the public alert and warning system;

3 (5) the procedures, protocols, and guidance con-
4 cerning the protective action plans that State, Trib-
5 al, and local governments should issue to the public
6 following an alert issued under the public alert and
7 warning system;

8 (6) the procedures, protocols, and guidance con-
9 cerning the communications that State, Tribal, and
10 local governments should issue to the public fol-
11 lowing a false alert issued under the public alert and
12 warning system;

13 (7) a plan by which State, Tribal, and local
14 government officials may, during an emergency, con-
15 tact each other as well as Federal officials and par-
16 ticipants in the Emergency Alert System and the
17 Wireless Emergency Alert System, when appropriate
18 and necessary, by telephone, text message, or other
19 means of communication regarding an alert that has
20 been distributed to the public; and

21 (8) any other procedure the Administrator con-
22 siders appropriate for maintaining the integrity of
23 and providing for public confidence in the public
24 alert and warning system.

1 (b) COORDINATION WITH NATIONAL ADVISORY
2 COUNCIL REPORT.—The Administrator shall ensure that
3 the guidance developed under subsection (a) do not con-
4 flict with recommendations made for improving the public
5 alert and warning system provided in the report submitted
6 by the National Advisory Council under section 2(b)(7)(B)
7 of the Integrated Public Alert and Warning System Mod-
8 ernization Act of 2015 (Public Law 114–143; 130 Stat.
9 332).

10 (c) PUBLIC CONSULTATION.—In developing the guid-
11 ance under subsection (a), the Administrator shall ensure
12 appropriate public consultation and, to the extent prac-
13 ticable, coordinate the development of the guidance with
14 stakeholders of the public alert and warning system, in-
15 cluding—

16 (1) appropriate personnel from Federal agen-
17 cies, including the National Institute of Standards
18 and Technology, the Federal Emergency Manage-
19 ment Agency, and the Commission;

20 (2) representatives of State and local govern-
21 ments and emergency services personnel, who shall
22 be selected from among individuals nominated by
23 national organizations representing those govern-
24 ments and personnel;

1 (3) representatives of federally recognized In-
2 dian Tribes and national Indian organizations;

3 (4) communications service providers;

4 (5) vendors, developers, and manufacturers of
5 systems, facilities, equipment, and capabilities for
6 the provision of communications services;

7 (6) third-party service bureaus;

8 (7) the national organization representing the
9 licensees and permittees of noncommercial broadcast
10 television stations;

11 (8) technical experts from the broadcasting in-
12 dustry;

13 (9) educators from the Emergency Management
14 Institute; and

15 (10) other individuals with technical expertise
16 as the Administrator determines appropriate.

17 (d) INAPPLICABILITY OF FACCA.—The Federal Advi-
18 sory Committee Act (5 U.S.C. App.) shall not apply to
19 the public consultation with stakeholders under subsection
20 (c).

21 (e) RULE OF CONSTRUCTION.—Nothing in sub-
22 section (a) shall be construed to amend, supplement, or
23 abridge the authority of the Commission under the Com-
24 munications Act of 1934 (47 U.S.C. 151 et seq.) or in
25 any other manner give the Administrator authority over

1 communications service providers participating in the
2 Emergency Alert System or the Wireless Emergency Alert
3 System.

4 **SEC. 6. FALSE ALERT REPORTING.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Commission, in consultation with the Ad-
7 ministrator, shall complete a rulemaking proceeding to es-
8 tablish a system to receive from the Administrator or
9 State, Tribal, or local governments reports of false alerts
10 under the Emergency Alert System or the Wireless Emer-
11 gency Alert System for the purpose of recording such false
12 alerts and examining their causes.

13 **SEC. 7. REPEATING EMERGENCY ALERT SYSTEM MES-**
14 **SAGES FOR NATIONAL SECURITY.**

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
18 modify the Emergency Alert System to provide for repeat-
19 ing Emergency Alert System messages while an alert re-
20 mains pending that is issued by—

- 21 (1) the President;
- 22 (2) the Administrator; or
- 23 (3) any other entity under specified circum-
24 stances as determined by the Commission, in con-
25 sultation with the Administrator.

1 **SEC. 8. INTERNET AND ONLINE STREAMING SERVICES**2 **EMERGENCY ALERT EXAMINATION.**

3 (a) STUDY.—Not later than 180 days after the date
4 of enactment of this Act, and after providing public notice
5 and opportunity for comment, the Commission shall com-
6 plete an inquiry to examine the feasibility of updating the
7 Emergency Alert System to enable or improve alerts to
8 consumers provided through the internet, including
9 through streaming services.

10 (b) REPORT.—Not later than 90 days after com-
11 pleting the inquiry under subsection (a), the Commission
12 shall submit a report on the findings and conclusions of
13 the inquiry to—

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

16 (2) the Committee on Energy and Commerce of
17 the House of Representatives.

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