

115TH CONGRESS
2D SESSION

H. R. 4965

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 HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2018

Ms. HANABUSA (for herself and Ms. GABBARD) introduced the following bill; which was 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

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—

1 (1) the term “Administrator” means the Ad-
2 ministrators of the Agency;

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

5 (3) the term “public alert and warning system”
6 means the integrated public alert and warning sys-
7 tem of the United States described in section 526 of
8 the Homeland Security Act of 2002 (6 U.S.C.
9 321o); and

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

16 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
17 **TEM SUBCOMMITTEE.**

18 Section 2 of the Integrated Public Alert and Warning
19 System Modernization Act of 2015 (Public Law 114–143;
20 130 Stat. 327) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (6)(B)—

23 (i) in clause (i), by striking “and” at
24 the end;

1 (ii) in clause (ii)(VII), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

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

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

18 “(aa) the initiation, or pro-
19 hibition on the initiation, of
20 alerts by a single authorized or
21 unauthorized individual; and

22 “(bb) testing a State, tribal,
23 or local government incident
24 management and warning tool
25 without accidentally initiating an

1 alert through the public alert and
2 warning system;

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

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

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

23 (B) in paragraph (7)—

24 (i) in subparagraph (A)—

1 (I) by striking “Not later than”
2 and inserting the following:

3 “(i) INITIAL REPORT.—Not later
4 than”;

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

9 (III) by adding at the end the
10 following:

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

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

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

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

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

5 The Administrator shall—

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

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

20 **SEC. 5. INCIDENT MANAGEMENT AND WARNING TOOL VALI-**
21 **DATION.**

22 (a) IN GENERAL.—The Administrator shall establish
23 a process to ensure that an incident management and
24 warning tool used by a State, tribal, or local government
25 to originate and transmit an alert through the public alert

1 and warning system meets the minimum requirements es-
2 tablished by the Administrator under section 4(2).

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

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

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

13 (3) a process to certify developers of emergency
14 management software; and

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

20 **SEC. 6. REVIEW AND UPDATE OF MEMORANDA OF UNDER-**
21 **STANDING.**

22 (a) IN GENERAL.—The Administrator shall review
23 the memoranda of understanding between the Agency and
24 State, tribal, and local governments with respect to the
25 public alert and warning system to ensure that all agree-

1 ments ensure compliance with any minimum requirements
2 established by the Administrator under section 4(2).

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

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

12 (a) IN GENERAL.—

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

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

22 (b) REQUIRED PROCESSES.—The Secretary of
23 Homeland Security, acting through the Administrator,
24 shall establish a process to promptly notify a State warn-
25 ing point, and any State entities that the Administrator

1 determines appropriate, of follow-up actions to a missile
2 launch alert so the State may take appropriate action to
3 protect the health, safety, and welfare of the residents of
4 the State following the issuance of an alert described in
5 subsection (a)(1) for that State.

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

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

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

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

1 (A) the Subcommittee on Homeland Security
2 of the Committee on Appropriations of the
3 Senate;

4 (B) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (C) the Subcommittee on Homeland Security
7 of the Committee on Appropriations of the
8 House of Representatives; and

9 (D) the Committee on Homeland Security
10 of the House of Representatives.

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

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

14 (1) conduct a review of—

15 (A) the Emergency Operations Center of
16 the Agency; and

17 (B) the National Watch Center and each
18 Regional Watch Center of the Agency; and

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

24 (A) an assessment of the technical capability
25 of the Emergency Operations Center and

1 the National and Regional Watch Centers de-
2 scribed in paragraph (1) to be notified of alerts
3 and warnings issued by a State through the
4 public alert and warning system;

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

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

15 **SEC. 9. TIMELINE FOR COMPLIANCE.**

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

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