

114TH CONGRESS
1ST SESSION

S. 1180

AN ACT

To amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, 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 “Integrated Public Alert
3 and Warning System Modernization Act of 2015”.

4 **SEC. 2. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
5 **TEM MODERNIZATION.**

6 (a) IN GENERAL.—Title V of the Homeland Security
7 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
8 at the end the following:

9 **“SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
10 **TEM MODERNIZATION.**

11 “(a) IN GENERAL.—To provide timely and effective
12 warnings regarding natural disasters, acts of terrorism,
13 and other man-made disasters or threats to public safety,
14 the Administrator shall—

15 “(1) modernize the integrated public alert and
16 warning system of the United States (in this section
17 referred to as the ‘public alert and warning system’)
18 to help ensure that under all conditions the Presi-
19 dent and, except to the extent the public alert and
20 warning system is in use by the President, Federal
21 agencies and State, tribal, and local governments
22 can alert and warn the civilian population in areas
23 endangered by natural disasters, acts of terrorism,
24 and other man-made disasters or threats to public
25 safety; and

1 “(2) implement the public alert and warning
2 system to disseminate timely and effective warnings
3 regarding natural disasters, acts of terrorism, and
4 other man-made disasters or threats to public safety.

5 “(b) IMPLEMENTATION REQUIREMENTS.—In car-
6 rying out subsection (a), the Administrator shall—

7 “(1) establish or adopt, as appropriate, common
8 alerting and warning protocols, standards, termi-
9 nology, and operating procedures for the public alert
10 and warning system;

11 “(2) include in the public alert and warning
12 system the capability to adapt the distribution and
13 content of communications on the basis of geo-
14 graphic location, risks, and multiple communication
15 systems and technologies, as appropriate and to the
16 extent technically feasible;

17 “(3) include in the public alert and warning
18 system the capability to alert, warn, and provide
19 equivalent information to individuals with disabil-
20 ities, individuals with access and functional needs,
21 and individuals with limited-English proficiency, to
22 the extent technically feasible;

23 “(4) ensure that training, tests, and exercises
24 are conducted for the public alert and warning sys-
25 tem, including by—

1 “(A) incorporating the public alert and
2 warning system into other training and exercise
3 programs of the Department, as appropriate;

4 “(B) establishing and integrating into the
5 National Incident Management System a com-
6 prehensive and periodic training program to in-
7 struct and educate Federal, State, tribal, and
8 local government officials in the use of the
9 Common Alerting Protocol enabled Emergency
10 Alert System; and

11 “(C) conducting, not less than once every
12 3 years, periodic nationwide tests of the public
13 alert and warning system;

14 “(5) to the extent practicable, ensure that the
15 public alert and warning system is resilient and se-
16 cure and can withstand acts of terrorism and other
17 external attacks;

18 “(6) conduct public education efforts so that
19 State, tribal, and local governments, private entities,
20 and the people of the United States reasonably un-
21 derstand the functions of the public alert and warn-
22 ing system and how to access, use, and respond to
23 information from the public alert and warning sys-
24 tem through a general market awareness campaign;

1 “(7) consult, coordinate, and cooperate with the
2 appropriate private sector entities and Federal,
3 State, tribal, and local governmental authorities, in-
4 cluding the Regional Administrators and emergency
5 response providers;

6 “(8) consult and coordinate with the Federal
7 Communications Commission, taking into account
8 rules and regulations promulgated by the Federal
9 Communications Commission; and

10 “(9) coordinate with and consider the rec-
11 ommendations of the Integrated Public Alert and
12 Warning System Subcommittee established under
13 section 2(b) of the Integrated Public Alert and
14 Warning System Modernization Act of 2015.

15 “(c) SYSTEM REQUIREMENTS.—The public alert and
16 warning system shall—

17 “(1) to the extent determined appropriate by
18 the Administrator, incorporate multiple communica-
19 tions technologies;

20 “(2) be designed to adapt to, and incorporate,
21 future technologies for communicating directly with
22 the public;

23 “(3) to the extent technically feasible, be de-
24 signed—

1 “(A) to provide alerts to the largest por-
2 tion of the affected population feasible, includ-
3 ing nonresident visitors and tourists, individuals
4 with disabilities, individuals with access and
5 functional needs, and individuals with limited-
6 English proficiency; and

7 “(B) to improve the ability of remote areas
8 to receive alerts;

9 “(4) promote local and regional public and pri-
10 vate partnerships to enhance community prepared-
11 ness and response;

12 “(5) provide redundant alert mechanisms where
13 practicable so as to reach the greatest number of
14 people; and

15 “(6) to the extent feasible, include a mechanism
16 to ensure the protection of individual privacy.

17 “(d) USE OF SYSTEM.—Except to the extent nec-
18 essary for testing the public alert and warning system, the
19 public alert and warning system shall not be used to trans-
20 mit a message that does not relate to a natural disaster,
21 act of terrorism, or other man-made disaster or threat to
22 public safety.

23 “(e) PERFORMANCE REPORTS.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of the Integrated Public Alert

1 and Warning System Modernization Act of 2015,
2 and annually thereafter through 2018, the Adminis-
3 trator shall make available on the public website of
4 the Agency a performance report, which shall—

5 “(A) establish performance goals for the
6 implementation of the public alert and warning
7 system by the Agency;

8 “(B) describe the performance of the pub-
9 lic alert and warning system, including—

10 “(i) the type of technology used for
11 alerts and warnings issued under the sys-
12 tem;

13 “(ii) the measures taken to alert,
14 warn, and provide equivalent information
15 to individuals with disabilities, individuals
16 with access and function needs, and indi-
17 viduals with limited-English proficiency;
18 and

19 “(iii) the training, tests, and exercises
20 performed and the outcomes obtained by
21 the Agency;

22 “(C) identify significant challenges to the
23 effective operation of the public alert and warn-
24 ing system and any plans to address these chal-
25 lenges;

1 “(D) identify other necessary improve-
2 ments to the system; and

3 “(E) provide an analysis comparing the
4 performance of the public alert and warning
5 system with the performance goals established
6 under subparagraph (A).

7 “(2) CONGRESS.—The Administrator shall sub-
8 mit to the Committee on Homeland Security and
9 Governmental Affairs and the Committee on Com-
10 merce, Science, and Transportation of the Senate
11 and the Committee on Transportation and Infra-
12 structure and the Committee on Homeland Security
13 of the House of Representatives each report required
14 under paragraph (1).”.

15 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
16 TEM SUBCOMMITTEE.—

17 (1) ESTABLISHMENT.—Not later than 90 days
18 after the date of enactment of this Act, the Adminis-
19 trator of the Federal Emergency Management Agen-
20 cy (in this subsection referred to as the “Adminis-
21 trator”) shall establish a subcommittee to the Na-
22 tional Advisory Council established under section
23 508 of the Homeland Security Act of 2002 (6
24 U.S.C. 318) to be known as the Integrated Public

1 Alert and Warning System Subcommittee (in this
2 subsection referred to as the “Subcommittee”).

3 (2) MEMBERSHIP.—Notwithstanding section
4 508(c) of the Homeland Security Act of 2002 (6
5 U.S.C. 318(e)), the Subcommittee shall be composed
6 of the following members (or their designees):

7 (A) The Deputy Administrator for Protec-
8 tion and National Preparedness of the Federal
9 Emergency Management Agency.

10 (B) The Chairman of the Federal Commu-
11 nications Commission.

12 (C) The Administrator of the National
13 Oceanic and Atmospheric Administration of the
14 Department of Commerce.

15 (D) The Assistant Secretary for Commu-
16 nications and Information of the Department of
17 Commerce.

18 (E) The Under Secretary for Science and
19 Technology of the Department of Homeland Se-
20 curity.

21 (F) The Under Secretary for the National
22 Protection and Programs Directorate.

23 (G) The Director of Disability Integration
24 and Coordination of the Federal Emergency
25 Management Agency.

1 (H) The Chairperson of the National
2 Council on Disability.

3 (I) Qualified individuals appointed by the
4 Administrator as soon as practicable after the
5 date of enactment of this Act from among the
6 following:

7 (i) Representatives of State and local
8 governments, representatives of emergency
9 management agencies, and representatives
10 of emergency response providers.

11 (ii) Representatives from federally rec-
12 ognized Indian tribes and national Indian
13 organizations.

14 (iii) Individuals who have the requisite
15 technical knowledge and expertise to serve
16 on the Subcommittee, including representa-
17 tives of—

18 (I) communications service pro-
19 viders;

20 (II) vendors, developers, and
21 manufacturers of systems, facilities,
22 equipment, and capabilities for the
23 provision of communications services;

24 (III) third-party service bureaus;

1 (IV) the broadcasting industry,
2 including public broadcasting;

3 (V) the commercial mobile radio
4 service industry;

5 (VI) the cable industry;

6 (VII) the satellite industry;

7 (VIII) national organizations rep-
8 resenting individuals with disabilities,
9 the blind, deaf, and hearing-loss com-
10 munities, individuals with access and
11 functional needs, and the elderly;

12 (IX) consumer or privacy advo-
13 cates; and

14 (X) organizations representing
15 individuals with limited-English pro-
16 ficiency.

17 (iv) Qualified representatives of such
18 other stakeholders and interested and af-
19 fected parties as the Administrator con-
20 siders appropriate.

21 (3) CHAIRPERSON.—The Deputy Administrator
22 for Protection and National Preparedness of the
23 Federal Emergency Management Agency shall serve
24 as the Chairperson of the Subcommittee.

25 (4) MEETINGS.—

1 (A) INITIAL MEETING.—The initial meet-
2 ing of the Subcommittee shall take place not
3 later than 120 days after the date of enactment
4 of this Act.

5 (B) OTHER MEETINGS.—After the initial
6 meeting, the Subcommittee shall meet, at least
7 annually, at the call of the Chairperson.

8 (5) CONSULTATION WITH NONMEMBERS.—The
9 Subcommittee and the program offices for the inte-
10 grated public alert and warning system for the
11 United States shall consult with individuals and en-
12 tities that are not represented on the Subcommittee
13 to consider new and developing technologies that
14 may be beneficial to the public alert and warning
15 system, including—

16 (A) the Defense Advanced Research
17 Projects Agency;

18 (B) entities engaged in federally funded re-
19 search; and

20 (C) academic institutions engaged in rel-
21 evant work and research.

22 (6) RECOMMENDATIONS.—The Subcommittee
23 shall—

24 (A) develop recommendations for an inte-
25 grated public alert and warning system; and

1 (B) in developing the recommendations
2 under subparagraph (A), consider—

3 (i) recommendations for common
4 alerting and warning protocols, standards,
5 terminology, and operating procedures for
6 the public alert and warning system; and

7 (ii) recommendations to provide for a
8 public alert and warning system that—

9 (I) has the capability to adapt
10 the distribution and content of com-
11 munications on the basis of geo-
12 graphic location, risks, or personal
13 user preferences, as appropriate;

14 (II) has the capability to alert
15 and warn individuals with disabilities
16 and individuals with limited-English
17 proficiency;

18 (III) to the extent appropriate,
19 incorporates multiple communications
20 technologies;

21 (IV) is designed to adapt to, and
22 incorporate, future technologies for
23 communicating directly with the pub-
24 lic;

1 (V) is designed to provide alerts
2 to the largest portion of the affected
3 population feasible, including non-
4 resident visitors and tourists, and im-
5 prove the ability of remote areas to
6 receive alerts;

7 (VI) promotes local and regional
8 public and private partnerships to en-
9 hance community preparedness and
10 response; and

11 (VII) provides redundant alert
12 mechanisms, if practicable, to reach
13 the greatest number of people regard-
14 less of whether they have access to, or
15 use, any specific medium of commu-
16 nication or any particular device.

17 (7) REPORT.—

18 (A) SUBCOMMITTEE SUBMISSION.—Not
19 later than 1 year after the date of enactment of
20 this Act, the Subcommittee shall submit to the
21 National Advisory Council a report containing
22 any recommendations required to be developed
23 under paragraph (6) for approval by the Na-
24 tional Advisory Council.

1 (B) SUBMISSION BY NATIONAL ADVISORY
2 COUNCIL.—If the National Advisory Council ap-
3 proves the recommendations contained in the
4 report submitted under subparagraph (A), the
5 National Advisory Council shall submit the re-
6 port to—

7 (i) the head of each agency rep-
8 resented on the Subcommittee;

9 (ii) the Committee on Homeland Se-
10 curity and Governmental Affairs and the
11 Committee on Commerce, Science, and
12 Transportation of the Senate; and

13 (iii) the Committee on Homeland Se-
14 curity and the Committee on Transpor-
15 tation and Infrastructure of the House of
16 Representatives.

17 (8) TERMINATION.—The Subcommittee shall
18 terminate not later than 3 years after the date of
19 enactment of this Act.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this Act
22 and the amendments made by this Act such sums as may
23 be necessary for each of fiscal years 2016, 2017, and
24 2018.

25 (d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

1 (1) DEFINITION.—In this subsection, the term
2 “participating commercial mobile service provider”
3 has the meaning given that term under section
4 10.10(f) of title 47, Code of Federal Regulations, as
5 in effect on the date of enactment of this Act.

6 (2) LIMITATIONS.—Nothing in this Act, includ-
7 ing an amendment made by this Act, shall be con-
8 strued—

9 (A) to affect any authority—

10 (i) of the Department of Commerce;

11 (ii) of the Federal Communications
12 Commission; or

13 (iii) provided under the Robert T.
14 Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5121 et seq.);

16 (B) to provide the Secretary of Homeland
17 Security with authority to require any action by
18 the Department of Commerce, the Federal
19 Communications Commission, or any non-
20 governmental entity;

21 (C) to apply to, or to provide the Adminis-
22 trator of the Federal Emergency Management
23 Agency with authority over, any participating
24 commercial mobile service provider;

1 (D) to alter in any way the wireless emer-
2 gency alerts service established under the
3 Warning, Alert, and Response Network Act (47
4 U.S.C. 1201 et seq.) or any related orders
5 issued by the Federal Communications Commis-
6 sion after October 13, 2006; or
7 (E) to provide the Federal Emergency
8 Management Agency with authority to require a
9 State or local jurisdiction to use the integrated
10 public alert and warning system of the United
11 States.

Passed the Senate July 9, 2015.

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

S. 1180

AN ACT

To amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.