



114TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. JOHNSON (for himself and Mrs. MCCASKILL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Integrated Public Alert
5 and Warning System Modernization Act of 2015”.

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

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

6 **“SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
7 **TEM MODERNIZATION.**

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

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

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

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

3 “(1) establish or adopt, as appropriate, common
4 alerting and warning protocols, standards, termi-
5 nology, and operating procedures for the public alert
6 and warning system;

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

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

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

22 “(A) incorporating the public alert and
23 warning system into other training and exercise
24 programs of the Department, as appropriate;

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

8 “(C) conducting, not less than once every
9 3 years, periodic nationwide tests of the public
10 alert and warning system;

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

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

22 “(7) consult, coordinate, and cooperate with the
23 appropriate private sector entities and Federal,
24 State, tribal, and local governmental authorities, in-

1 including the Regional Administrators and emergency
2 response providers;

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

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

12 “(c) SYSTEM REQUIREMENTS.—The public alert and
13 warning system shall—

14 “(1) to the extent determined appropriate by
15 the Administrator, incorporate multiple communi-
16 cations technologies;

17 “(2) be designed to adapt to, and incorporate,
18 future technologies for communicating directly with
19 the public;

20 “(3) to the extent technically feasible, be de-
21 signed—

22 “(A) to provide alerts to the largest por-
23 tion of the affected population feasible, includ-
24 ing nonresident visitors and tourists, individuals
25 with disabilities, individuals with access and

1 functional needs, and individuals with limited-
2 English proficiency; and

3 “(B) to improve the ability of remote areas
4 to receive alerts;

5 “(4) promote local and regional public and pri-
6 vate partnerships to enhance community prepared-
7 ness and response;

8 “(5) provide redundant alert mechanisms where
9 practicable so as to reach the greatest number of
10 people; and

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

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

19 “(e) PERFORMANCE REPORTS.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of the Integrated Public Alert
22 and Warning System Modernization Act of 2015,
23 and annually thereafter through 2018, the Adminis-
24 trator shall make available on the public website of
25 the Agency a performance report, which shall—

1 “(A) establish performance goals for the
2 implementation of the public alert and warning
3 system by the Agency;

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

6 “(i) the type of technology used for
7 alerts and warnings issued under the sys-
8 tem;

9 “(ii) the measures taken to alert,
10 warn, and provide equivalent information
11 to individuals with disabilities, individuals
12 with access and function needs, and indi-
13 viduals with limited-English proficiency;
14 and

15 “(iii) the training, tests, and exercises
16 performed and the outcomes obtained by
17 the Agency;

18 “(C) identify significant challenges to the
19 effective operation of the public alert and warn-
20 ing system and any plans to address these chal-
21 lenges;

22 “(D) identify other necessary improve-
23 ments to the system; and

24 “(E) provide an analysis comparing the
25 performance of the public alert and warning

1 system with the performance goals established
2 under subparagraph (A).

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

11 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
12 TEM SUBCOMMITTEE.—

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

23 (2) MEMBERSHIP.—Notwithstanding section
24 508(c) of the Homeland Security Act of 2002 (6

1 U.S.C. 318(c)), the Subcommittee shall be composed
2 of the following members (or their designees):

3 (A) The Deputy Administrator for Protec-
4 tion and National Preparedness of the Federal
5 Emergency Management Agency.

6 (B) The Chairman of the Federal Commu-
7 nications Commission.

8 (C) The Administrator of the National
9 Oceanic and Atmospheric Administration of the
10 Department of Commerce.

11 (D) The Assistant Secretary for Commu-
12 nications and Information of the Department of
13 Commerce.

14 (E) The Under Secretary for Science and
15 Technology of the Department of Homeland Se-
16 curity.

17 (F) The Under Secretary for the National
18 Protection and Programs Directorate.

19 (G) The Director of Disability Integration
20 and Coordination of the Federal Emergency
21 Management Agency.

22 (H) The Chairperson of the National
23 Council on Disability.

24 (I) Qualified individuals appointed by the
25 Administrator as soon as practicable after the

1 date of enactment of this Act from among the
2 following:

3 (i) Representatives of State and local
4 governments, representatives of emergency
5 management agencies, and representatives
6 of emergency response providers.

7 (ii) Representatives from federally rec-
8 ognized Indian tribes and national Indian
9 organizations.

10 (iii) Individuals who have the requisite
11 technical knowledge and expertise to serve
12 on the Subcommittee, including representa-
13 tives of—

14 (I) communications service pro-
15 viders;

16 (II) vendors, developers, and
17 manufacturers of systems, facilities,
18 equipment, and capabilities for the
19 provision of communications services;

20 (III) third-party service bureaus;

21 (IV) the broadcasting industry,
22 including public broadcasting;

23 (V) the commercial mobile radio
24 service industry;

25 (VI) the cable industry;

1 (VII) the satellite industry;

2 (VIII) national organizations rep-
3 resenting individuals with disabilities,
4 the blind, deaf, and hearing-loss com-
5 munities, individuals with access and
6 functional needs, and the elderly;

7 (IX) consumer or privacy advo-
8 cates; and

9 (X) organizations representing
10 individuals with limited-English pro-
11 ficiency.

12 (iv) Qualified representatives of such
13 other stakeholders and interested and af-
14 fected parties as the Administrator con-
15 siders appropriate.

16 (3) CHAIRPERSON.—The Deputy Administrator
17 for Protection and National Preparedness of the
18 Federal Emergency Management Agency shall serve
19 as the Chairperson of the Subcommittee.

20 (4) MEETINGS.—

21 (A) INITIAL MEETING.—The initial meet-
22 ing of the Subcommittee shall take place not
23 later than 120 days after the date of enactment
24 of this Act.

1 (B) OTHER MEETINGS.—After the initial
2 meeting, the Subcommittee shall meet, at least
3 annually, at the call of the Chairperson.

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

12 (A) the Defense Advanced Research
13 Projects Agency;

14 (B) entities engaged in federally funded re-
15 search; and

16 (C) academic institutions engaged in rel-
17 evant work and research.

18 (6) RECOMMENDATIONS.—The Subcommittee
19 shall—

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

22 (B) in developing the recommendations
23 under subparagraph (A), consider—

24 (i) recommendations for common
25 alerting and warning protocols, standards,

1 terminology, and operating procedures for
2 the public alert and warning system; and

3 (ii) recommendations to provide for a
4 public alert and warning system that—

5 (I) has the capability to adapt
6 the distribution and content of com-
7 munications on the basis of geo-
8 graphic location, risks, or personal
9 user preferences, as appropriate;

10 (II) has the capability to alert
11 and warn individuals with disabilities
12 and individuals with limited-English
13 proficiency;

14 (III) to the extent appropriate,
15 incorporates multiple communications
16 technologies;

17 (IV) is designed to adapt to, and
18 incorporate, future technologies for
19 communicating directly with the pub-
20 lic;

21 (V) is designed to provide alerts
22 to the largest portion of the affected
23 population feasible, including non-
24 resident visitors and tourists, and im-

1 prove the ability of remote areas to
2 receive alerts;

3 (VI) promotes local and regional
4 public and private partnerships to en-
5 hance community preparedness and
6 response; and

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

13 (7) REPORT.—

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

21 (B) SUBMISSION BY NATIONAL ADVISORY
22 COUNCIL.—If the National Advisory Council ap-
23 proves the recommendations contained in the
24 report submitted under subparagraph (A), the

1 National Advisory Council shall submit the re-
2 port to—

3 (i) the head of each agency rep-
4 resented on the Subcommittee;

5 (ii) the Committee on Homeland Se-
6 curity and Governmental Affairs and the
7 Committee on Commerce, Science, and
8 Transportation of the Senate; and

9 (iii) the Committee on Homeland Se-
10 curity and the Committee on Transpor-
11 tation and Infrastructure of the House of
12 Representatives.

13 (8) TERMINATION.—The Subcommittee shall
14 terminate not later than 3 years after the date of
15 enactment of this Act.

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

21 (d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

22 (1) DEFINITION.—In this subsection, the term
23 “participating commercial mobile service provider”
24 has the meaning given that term under section

1 10.10(f) of title 47, Code of Federal Regulations, as
2 in effect on the date of enactment of this Act.

3 (2) LIMITATIONS.—Nothing in this Act, includ-
4 ing an amendment made by this Act, shall be con-
5 strued—

6 (A) to affect any authority—

7 (i) of the Department of Commerce;

8 (ii) of the Federal Communications
9 Commission; or

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

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

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

22 (D) to alter in any way the wireless emer-
23 gency alerts service established under the
24 Warning, Alert, and Response Network Act (47
25 U.S.C. 1201 et seq.) or any related orders

- 1 issued by the Federal Communications Commis-
- 2 sion after October 13, 2006.