

Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers;

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

(9) coordinate with and consider the recommendations of the Integrated Public Alert and Warning System Subcommittee established under section 2(b) of the Integrated Public Alert and Warning System Modernization Act of 2015.

(c) System requirements

The public alert and warning system shall—

(1) to the extent determined appropriate by the Administrator, incorporate multiple communications technologies;

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

(3) to the extent technically feasible, be designed—

(A) to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, individuals with disabilities, individuals with access and functional needs, and individuals with limited-English proficiency; and

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

(4) promote local and regional public and private partnerships to enhance community preparedness and response;

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

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

(d) Use of system

Except to the extent necessary for testing the public alert and warning system, the public alert and warning system shall not be used to transmit a message that does not relate to a natural disaster, act of terrorism, or other man-made disaster or threat to public safety.

(e) Performance reports

(1) In general

Not later than 1 year after April 11, 2016, and annually thereafter through 2018, the Administrator shall make available on the public website of the Agency a performance report, which shall—

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

(B) describe the performance of the public alert and warning system, including—

(i) the type of technology used for alerts and warnings issued under the system;

(ii) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities, individuals with access and function¹ needs, and indi-

viduals with limited-English proficiency; and

(iii) the training, tests, and exercises performed and the outcomes obtained by the Agency;

(C) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

(D) identify other necessary improvements to the system; and

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

(2) Congress

The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).

(Pub. L. 107–296, title V, § 526, as added Pub. L. 114–143, § 2(a), Apr. 11, 2016, 130 Stat. 327.)

REFERENCES IN TEXT

Section 2(b) of the Integrated Public Alert and Warning System Modernization Act of 2015, referred to in subsec. (b)(9), is section 2(b) of Pub. L. 114–143, Apr. 11, 2016, 130 Stat. 329, which is not classified to the Code.

CONSTRUCTION

Pub. L. 114–143, § 2(d), Apr. 11, 2016, 130 Stat. 332, provided that:

“(1) DEFINITION.—In this subsection, the term ‘participating commercial mobile service provider’ has the meaning given that term under section 10.10(f) of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act [Apr. 11, 2016].

“(2) LIMITATIONS.—Nothing in this Act [enacting this section and provisions set out as a note under section 101 of this title], including an amendment made by this Act, shall be construed—

“(A) to affect any authority—

“(i) of the Department of Commerce;

“(ii) of the Federal Communications Commission;

or

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

“(B) to provide the Secretary of Homeland Security with authority to require any action by the Department of Commerce, the Federal Communications Commission, or any nongovernmental entity;

“(C) to apply to, or to provide the Administrator of the Federal Emergency Management Agency with authority over, any participating commercial mobile service provider;

“(D) to alter in any way the wireless emergency alerts service established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.) or any related orders issued by the Federal Communications Commission after October 13, 2006; or

“(E) to provide the Federal Emergency Management Agency with authority to require a State or local jurisdiction to use the integrated public alert and warning system of the United States.”

§ 321p. National planning and education

The Secretary shall, to the extent practicable—

¹ So in original. Probably should be “functional”.

(1) include in national planning frameworks the threat of an EMP or GMD event; and

(2) conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency response providers at all levels of government regarding threats of EMP and GMD.

(Pub. L. 107-296, title V, §527, as added Pub. L. 114-328, div. A, title XIX, §1913(a)(4), Dec. 23, 2016, 130 Stat. 2686.)

§ 321q. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism

(a) Program required

The Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall carry out a program to coordinate the Department's efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose a high risk to homeland security.

(b) Program elements

The coordination program required by subsection (a) shall include, at a minimum, the following:

(1) Providing oversight and management of the Department's responsibilities pursuant to Homeland Security Presidential Directive 9—Defense of United States Agriculture and Food.

(2) Providing oversight and integration of the Department's activities related to veterinary public health, food defense, and agricultural security.

(3) Leading the Department's policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.

(4) Leading the Department's policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.

(5) Coordinating with other Department components, including U.S. Customs and Border Protection, as appropriate, on activities related to food and agriculture security and screening procedures for domestic and imported products.

(6) Coordinating with appropriate Federal departments and agencies.

(7) Other activities as determined necessary by the Secretary.

(c) Rule of construction

Nothing in this section may be construed as altering or superseding the authority of the Secretary of Agriculture or the Secretary of Health and Human Services.

(Pub. L. 107-296, title V, §528, as added Pub. L. 115-43, §2(a), June 30, 2017, 131 Stat. 884; amended Pub. L. 115-387, §2(f)(5), Dec. 21, 2018, 132 Stat. 5168.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-387 substituted “the Countering Weapons of Mass Destruction Office,” for “Health Affairs.”

SUBCHAPTER VI—TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND OTHER GOVERNMENTAL ORGANIZATIONS

§ 331. Treatment of charitable trusts for members of the Armed Forces of the United States and other governmental organizations

(a) Findings

Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States have lost their lives while battling the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of covert observation of terrorists around the world are often put in harm's way during their service to the United States.

(4) Personnel of the Central Intelligence Agency have also lost their lives while battling the evils of terrorism around the world.

(5) Employees of the Federal Bureau of Investigation (FBI) and other Federal agencies charged with domestic protection of the United States put their lives at risk on a daily basis for the freedom and security of our Nation.

(6) United States military personnel, CIA personnel, FBI personnel, and other Federal agents in the service of the United States are patriots of the highest order.

(7) CIA officer Johnny Micheal Spann became the first American to give his life for his country in the War on Terrorism declared by President George W. Bush following the terrorist attacks of September 11, 2001.

(8) Johnny Micheal Spann left behind a wife and children who are very proud of the heroic actions of their patriot father.

(9) Surviving dependents of members of the Armed Forces of the United States who lose their lives as a result of terrorist attacks or military operations abroad receive a \$6,000 death benefit, plus a small monthly benefit.

(10) The current system of compensating spouses and children of American patriots is inequitable and needs improvement.

(b) Designation of Johnny Micheal Spann Patriot Trusts

Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which otherwise meets all applicable requirements under law with respect to charitable entities and meets the requirements described in subsection (c) shall be eligible to characterize itself as a “Johnny Micheal Spann Patriot Trust”.

(c) Requirements for the designation of Johnny Micheal Spann Patriot Trusts

The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the invest-