To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize 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 HOUSE OF REPRESENTATIVES
SEPTEMBER 13, 2011

Mr. Denham (for himself, Ms. Norton, and Mr. Diaz-Balart) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL
To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize 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 Representatives 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 and Warning System Modernization Act of 2011”.

SEC. 2. PURPOSE.

The purpose of this Act is to enable the Administrator of the Federal Emergency Management Agency to carry out the responsibilities required pursuant to section 202 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132).

SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) IN GENERAL.—Section 202 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132) is amended by adding at the end the following:

“(e) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.—

“(1) IN GENERAL.—To provide timely and effective disaster warnings under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, shall—

“(A) modernize the integrated public alert and warning system of the United States (in this section referred to as the ‘public alert and warning system’) to ensure that the President under all conditions can alert and warn governmental authorities and the civilian population in areas endangered by disasters as required pursuant to subsection (a); and
“(B) implement the public alert and warning system.

“(2) IMPLEMENTATION REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee (established under the Integrated Public Alert and Warning System Modernization Act of 2011)—

“(A) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

“(B) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

“(C) include in the public alert and warning system the capability to alert and warn individuals with disabilities and individuals with limited English proficiency; and

“(D) ensure that training, tests, and exercises are conducted for the public alert and warning system.
“(3) System requirements.—The public alert and warning system shall—

“(A) incorporate multiple communications technologies;

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

“(C) be designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

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

“(E) provide redundant alert mechanisms if practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

“(4) Implementation plan.—Not later than 6 months after the date of submission of the final report of the Integrated Public Alert and Warning System Advisory Committee, the Administrator shall submit to the Committee on Transportation and In-
structure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed plan to implement the public alert and warning system. The plan shall include a timeline for implementation, a spending plan, and recommendations for any additional authority that may be necessary to fully implement this subsection.

“(5) Authorization of Appropriations.— There is authorized to be appropriated to carry out this subsection $13,400,000 for each of fiscal years 2012 and 2013 from amounts made available for management and administration.”.

(b) Integrated Public Alert and Warning System Modernization Advisory Committee.—

(1) Establishment.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the “Advisory Committee”).

(2) Membership.—The Advisory Committee shall be composed of the following members, to be
appointed by the Administrator as soon as practicable after the date of enactment of this Act:

(A) The Chairman of the Federal Communications Commission.

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.

(C) The Assistant Secretary for Communications and Information of the Department of Commerce.

(D) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers, selected from among individuals nominated by national organizations representing governments and personnel.

(E) Representatives from federally recognized Indian tribes and national Indian organizations.

(F) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

(i) communications service providers;
(ii) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(iii) third-party service bureaus;

(iv) the broadcasting industry;

(v) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(vi) the cellular industry;

(vii) the cable industry;

(viii) the satellite industry; and

(ix) national organizations representing individuals with special needs, including individuals with disabilities and the elderly.

(G) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Administrator shall serve as the Chairperson of the Advisory Committee.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place
not later than 60 days after the date of enactment of this Act.

(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the Chairperson.

(C) NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(5) RULES.—

(A) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(B) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the Chairperson may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as the Chairperson considers necessary.

(C) ADDITIONAL RULE.—The Advisory Committee may adopt such other rules as are necessary to carry out its duties.

(6) RECOMMENDATIONS.—The Advisory Committee shall develop and submit in its final report
recommendations for an integrated public alert and
warning system, including—

(A) recommendations for common alerting
and warning protocols, standards, terminology,
and operating procedures for the public alert
and warning system;

(B) recommendations to provide for a pub-
lic alert and warning system that—

(i) has the capability to adapt the dis-
tribution and content of communications
on the basis of geographic location, risks,
or personal user preferences, as appro-
priate;

(ii) has the capability to alert and
warn individuals with disabilities and indi-
viduals with limited English proficiency;

(iii) incorporates multiple communica-
tions technologies;

(iv) is designed to adapt to, and incor-
porate, future technologies for commu-
nicating directly with the public;

(v) is designed to provide alerts to the
largest portion of the affected population
feasible, including nonresident visitors and
tourists, and improve the ability of remote areas to receive alerts;

(vi) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(vii) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(7) Final Report.—Not later than 1 year after the date of enactment of this Act, the Advisory Committee shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the recommendations of the Advisory Committee.

(8) Federal Advisory Committee Act.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.
(9) TERMINATION.—The Advisory Committee shall terminate not later than 60 days after the submission of its final report.

(c) TECHNICAL CORRECTION.—Section 202(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking “section 611(c)” and inserting “section 611(d)”.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section (including the amendment made by this section) shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission.