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

APRIL 19, 2012

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. AKAKA, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Integrated Public Alert
6 and Warning System Modernization Act of 2012”. 
SEC. 2. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

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

"SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

"(a) IN GENERAL.—To provide timely and effective warnings regarding natural disasters, wars, acts of terrorism, other man-made disasters, and other hazards to public safety under this title, the Administrator shall—

"(1) 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 under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agencies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety; and

"(2) implement the public alert and warning system.

"(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Administrator shall—
“(1) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

“(2) 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, and multiple communication systems and technologies, as appropriate;

“(3) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency, to the extent technically feasible;

“(4) ensure training, tests, and exercises for the public alert and warning system are conducted, including—

“(A) through exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748), to the extent determined appropriate by the Administrator;

“(B) the conduct of periodic nationwide tests; and
“(C) by establishing and integrating into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled-Emergency Alert System;

“(5) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

“(6) in coordination with the Secretary, ensure that the public alert and warning system coordinates with the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

“(7) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers; and
“(8) coordinate with, and consider the recommenda-
tions of, the subcommittee established under section 2(b) of the Integrated Public Alert and Warning System Modernization Act of 2012.

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

“(1) incorporate multiple communication systems and technologies, to the extent determined appropriate by the Administrator;

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

“(3) be designed to—

“(A) provide alerts that are accessible to the largest portion of the affected population feasible, including individuals with disabilities, individuals with limited English proficiency, and nonresident visitors and tourists, to the extent technically feasible; and

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

“(4) provide redundant alert mechanisms where practicable so as to reach the greatest number of people.
“(d) PILOT PROGRAMS.—The Administrator may conduct pilot programs for the purpose of demonstrating the feasibility of using a variety of methods for achieving the system requirements specified in subsection (c).

“(e) USE OF SYSTEM.—

“(1) LIMITATION.—Except to the extent necessary for testing the public alert and warning system, the Administrator may not transmit a message from the President using the public alert and warning system that does not relate to a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety.

“(2) CONSUMER OPT-OUT.—Nothing in this section shall be construed to supersede section 602 of the SAFE Port Act (47 U.S.C. 1201).

“(f) PERFORMANCE REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, and annually thereafter through 2017, 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 and individuals 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 of the Senate and the Com-
mittee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).”.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION SUBCOMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the “Administrator”) shall establish a subcommittee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Subcommittee (in this subsection referred to as the “Subcommittee”).

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

(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

(B) The Administrator of the National Oceanic and Atmospheric Administration of the
Department of Commerce (or the Administrator’s designee).

(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).

(D) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary’s designee).

(E) The Under Secretary for the National Protection and Programs Directorate (or the Under Secretary’s designee).

(F) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

(G) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of federally recognized Indian tribes and national tribal organizations, representatives of emergency management agencies, representatives of emergency response providers, and rep-
resentatives of emergency communication
providers.

(ii) Individuals who have the requisite
technical knowledge and expertise to serve
on the Subcommittee, including representa-
tives of—

(I) vendors, developers, and manu-
ufacturers of systems, facilities, equip-
ment, and capabilities for the provi-
sion of communications services;

(II) the broadcasting industry;

(III) the cellular industry;

(IV) the cable industry;

(V) the satellite industry;

(VI) consumer or privacy advo-
cates;

(VII) national organizations rep-
resenting individuals with disabilities,
the blindness, deaf, and hearing loss
communities, and the elderly; and

(VIII) organizations representing
individuals with limited English pro-
ficiency.

(iii) Qualified representatives of such
other stakeholders and interested and af-
fected parties as the Administrator considers appropriate.

(3) CHAIRPERSON.—The Administrator (or the Administrator’s designee) shall serve as the Chairperson of the Subcommittee.

(4) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Subcommittee shall take place not later than 180 days after the date of enactment of this Act.

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

(5) RECOMMENDATIONS.—The Subcommittee may develop and submit under paragraph (6) recommendations for the continuation and improvement of the 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) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems; and
(C) recommendations for improvements to the public alert and warning system, including recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

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

(iii) incorporates multiple communications technologies, to the extent determined appropriate by the Subcommittee;

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

(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

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

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

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

(6) REPORTS.—The Subcommittee shall submit to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) and the Administrator a report regarding any recommendations agreed to by the Subcommittee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by the Act for each of fiscal years 2013 through 2017.

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