

113TH CONGRESS
2D SESSION

S. 2664

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

JULY 24, 2014

Mr. BEGICH (for himself and Ms. COLLINS) 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Integrated Public Alert
5 and Warning System Modernization Act of 2014”.

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 and homeland security information regarding nat-

1 ural disasters, acts of terrorism, and other man-
2 made disasters or threats to public safety.

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

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

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

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

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

23 “(A) incorporating the public alert and
24 warning system into other training and exercise
25 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; and

3 “(8) coordinate with and consider the rec-
4 ommendations of the Integrated Public Alert and
5 Warning System Subcommittee established under
6 section 2(b) of the Integrated Public Alert and
7 Warning System Modernization Act of 2014.

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

10 “(1) to the extent determined appropriate by
11 the Administrator, incorporate multiple communica-
12 tions technologies;

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

16 “(3) to the extent technically feasible, be de-
17 signed—

18 “(A) to provide alerts to the largest por-
19 tion of the affected population feasible, includ-
20 ing nonresident visitors and tourists, individuals
21 with disabilities, individuals with access and
22 functional needs, and individuals with limited-
23 English proficiency; and

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

1 “(4) promote local and regional public and pri-
2 vate partnerships to enhance community prepared-
3 ness and response;

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

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

9 “(d) USE OF SYSTEM.—

10 “(1) LIMITATION.—Except to the extent nec-
11 essary for testing the public alert and warning sys-
12 tem, the public alert and warning system shall not
13 be used to transmit a message that does not relate
14 to a natural disaster, act of terrorism, or other man-
15 made disaster or threat to public safety.

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

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 2014,
23 and annually thereafter through 2017, 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 of the Senate and the Com-
6 mittee on Transportation and Infrastructure and the
7 Committee on Homeland Security of the House of
8 Representatives each report required under para-
9 graph (1).”.

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

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

22 (2) MEMBERSHIP.—Notwithstanding section
23 508(c) of the Homeland Security Act of 2002 (6
24 U.S.C. 318(c)), the Subcommittee shall be composed
25 of the following members (or their designees):

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

4 (B) The Chairman of the Federal Commu-
5 nications Commission.

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

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

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

15 (F) The Under Secretary for the National
16 Protection and Programs Directorate.

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

20 (H) The Chairperson of the National
21 Council on Disability.

22 (I) Qualified individuals appointed by the
23 Administrator as soon as practicable after the
24 date of enactment of this Act from among the
25 following:

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

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

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

12 (I) communications service pro-
13 viders;

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

18 (III) third-party service bureaus;

19 (IV) the broadcasting industry;

20 (V) the cellular industry;

21 (VI) the cable industry;

22 (VII) the satellite industry;

23 (VIII) national organizations rep-
24 resenting individuals with disabilities,
25 the blind, deaf, and hearing-loss com-

1 munities, individuals with access and
2 functional needs, and the elderly;

3 (IX) consumer or privacy advo-
4 cates; and

5 (X) organizations representing
6 individuals with limited-English pro-
7 ficiency.

8 (iv) Qualified representatives of such
9 other stakeholders and interested and af-
10 fected parties as the Administrator con-
11 siders appropriate.

12 (3) CHAIRPERSON.—The Deputy Administrator
13 for Protection and National Preparedness of the
14 Federal Emergency Management Agency shall serve
15 as the Chairperson of the Subcommittee.

16 (4) MEETINGS.—

17 (A) INITIAL MEETING.—The initial meet-
18 ing of the Subcommittee shall take place not
19 later than 120 days after the date of enactment
20 of this Act.

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

24 (5) CONSULTATION WITH NONMEMBERS.—The
25 Subcommittee and the program offices for the inte-

1 grated public alert and warning system for the
2 United States shall consult with individuals and en-
3 tities that are not represented on the Subcommittee
4 to consider new and developing technologies that
5 may be beneficial to the public alert and warning
6 system, including—

7 (A) the Defense Advanced Research
8 Projects Agency;

9 (B) entities engaged in federally funded re-
10 search; and

11 (C) academic institutions engaged in rel-
12 evant work and research.

13 (6) RECOMMENDATIONS.—The Subcommittee
14 shall—

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

17 (B) in developing the recommendations
18 under subparagraph (A), consider—

19 (i) recommendations for common
20 alerting and warning protocols, standards,
21 terminology, and operating procedures for
22 the public alert and warning system; and

23 (ii) recommendations to provide for a
24 public alert and warning system that—

1 (I) has the capability to adapt
2 the distribution and content of com-
3 munications on the basis of geo-
4 graphic location, risks, or personal
5 user preferences, as appropriate;

6 (II) has the capability to alert
7 and warn individuals with disabilities
8 and individuals with limited-English
9 proficiency;

10 (III) to the extent appropriate,
11 incorporates multiple communications
12 technologies;

13 (IV) is designed to adapt to, and
14 incorporate, future technologies for
15 communicating directly with the pub-
16 lic;

17 (V) is designed to provide alerts
18 to the largest portion of the affected
19 population feasible, including non-
20 resident visitors and tourists, and im-
21 prove the ability of remote areas to
22 receive alerts;

23 (VI) promotes local and regional
24 public and private partnerships to en-

1 hance community preparedness and
2 response; and

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

9 (7) REPORT.—

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

17 (B) SUBMISSION BY NATIONAL ADVISORY
18 COUNCIL.—If the National Advisory Council ap-
19 proves the recommendations contained in the
20 report submitted under subparagraph (A), the
21 National Advisory Council shall submit the re-
22 port to—

23 (i) the head of each agency rep-
24 resented on the Subcommittee;

1 (ii) the Committee on Homeland Se-
2 curity and Governmental Affairs of the
3 Senate; and

4 (iii) the Committee on Homeland Se-
5 curity and the Committee on Transpor-
6 tation and Infrastructure of the House of
7 Representatives.

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

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this Act
13 and the amendments made by this Act such sums as may
14 be necessary for each of fiscal years 2015, 2016, and
15 2017.

16 (d) EFFECT ON OBLIGATIONS.—Nothing in this sec-
17 tion shall be construed to affect any existing obligations
18 of the Federal Communications Commission, the Depart-
19 ment of Commerce, or any nongovernmental entity.

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