

111TH CONGRESS
1ST SESSION

H. R. 2591

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act 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 HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. MARIO DIAZ-BALART of Florida (for himself, Ms. NORTON, Mr. GRAVES, Mr. CAO, and Mr. GUTHRIE) 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 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 2009”.

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

3 (a) IN GENERAL.—Section 202 of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5132) is amended by adding at the end the
6 following:

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

9 “(1) IN GENERAL.—To provide timely and ef-
10 fective disaster warnings under this section, the
11 President, acting through the Administrator of the
12 Federal Emergency Management Agency, shall—

13 “(A) modernize the integrated public alert
14 and warning system of the United States (in
15 this section referred to as the ‘public alert and
16 warning system’) to ensure that the President
17 under all conditions can alert and warn govern-
18 mental authorities and the civilian population in
19 areas endangered by disasters; and

20 “(B) implement the public alert and warn-
21 ing system.

22 “(2) IMPLEMENTATION REQUIREMENTS.—In
23 carrying out paragraph (1), the Administrator shall,
24 consistent with the recommendations in the final re-
25 port of the Integrated Public Alert and Warning
26 System Advisory Committee—

1 “(A) establish or adopt, as appropriate,
2 common alerting and warning protocols, stand-
3 ards, terminology, and operating procedures for
4 the public alert and warning system;

5 “(B) include in the public alert and warn-
6 ing system the capability to adapt the distribu-
7 tion and content of communications on the
8 basis of geographic location, risks, or personal
9 user preferences, as appropriate;

10 “(C) include in the public alert and warn-
11 ing system the capability to alert and warn in-
12 dividuals with disabilities and individuals with
13 limited English proficiency; and

14 “(D) ensure the conduct of training, tests,
15 and exercises for the public alert and warning
16 system.

17 “(3) SYSTEM REQUIREMENTS.—The public
18 alert and warning system shall—

19 “(A) incorporate multiple communications
20 technologies;

21 “(B) be designed to adapt to, and incor-
22 porate, future technologies for communicating
23 directly with the public;

24 “(C) be designed to provide alerts to the
25 largest portion of the affected population fea-

1 sible, including nonresident visitors and tour-
2 ists, and improve the ability of remote areas to
3 receive alerts;

4 “(D) promote local and regional public and
5 private partnerships to enhance community pre-
6 paredness and response; and

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

12 “(4) PILOT PROGRAMS.—

13 “(A) IN GENERAL.—The Administrator
14 may conduct pilot programs for the purpose of
15 demonstrating the feasibility of using a variety
16 of methods for achieving the system require-
17 ments specified in paragraph (3).

18 “(B) REPORT.—Not later than 6 months
19 after the date of enactment of this subsection,
20 and annually thereafter for the duration of the
21 pilot programs, the Administrator shall submit
22 to the Committee on Transportation and Infra-
23 structure of the House of Representatives and
24 the Committee on Homeland Security and Gov-

ernmental Affairs of the Senate a report containing—

“(i) a description and assessment of the effectiveness of the pilot programs;

“(ii) any recommendations of the Administrator for additional authority to continue the pilot programs or make any of the programs permanent; and

“(iii) any other findings and conclusions of the Administrator with respect to the pilot programs.

“(5) 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 Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed plan for implementing this subsection. 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.

“(6) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out

1 this subsection \$37,000,000 for fiscal year 2010 and
2 such sums as may be necessary for each fiscal year
3 thereafter.”.

4 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
5 TEM MODERNIZATION ADVISORY COMMITTEE.—

6 (1) ESTABLISHMENT.—Not later than 60 days
7 after the date of enactment of this Act, the Adminis-
8 trator of the Federal Emergency Management Agen-
9 cy shall establish an advisory committee to be known
10 as the Integrated Public Alert and Warning System
11 Advisory Committee (in this subsection referred to
12 as the “Advisory Committee”).

13 (2) MEMBERSHIP.—The Advisory Committee
14 shall be composed of the following members, to be
15 appointed by the Administrator as soon as prac-
16 ticable after the date of enactment of this Act:

17 (A) The Chairman of the Federal Commu-
18 nications Commission (or the Chairman’s des-
19 ignee).

20 (B) The Administrator of the National
21 Oceanic and Atmospheric Administration of the
22 Department of Commerce (or the Administra-
23 tor’s designee).

24 (C) The Assistant Secretary for Commu-
25 nications and Information of the Department of

1 Commerce (or the Assistant Secretary's des-
2 ignee).

3 (D) Representatives of State and local gov-
4 ernments, representatives of emergency man-
5 agement agencies, and representatives of emer-
6 gency response providers, selected from among
7 individuals nominated by national organizations
8 representing governments and personnel.

9 (E) Representatives from federally recog-
10 nized Indian tribes and national Indian organi-
11 zations.

12 (F) Individuals who have the requisite
13 technical knowledge and expertise to serve on
14 the Advisory Committee, including representa-
15 tives of—

- 16 (i) communications service providers;
- 17 (ii) vendors, developers, and manufac-
18 turers of systems, facilities, equipment,
19 and capabilities for the provision of com-
20 munications services;
- 21 (iii) third-party service bureaus;
- 22 (iv) the broadcasting industry;
- 23 (v) the national organization rep-
24 resenting the licensees and permittees of

1 noncommercial broadcast television sta-
2 tions;

3 (vi) the cellular industry;

4 (vii) the cable industry;

5 (viii) the satellite industry; and

6 (ix) national organizations rep-
7 resenting individuals with special needs, in-
8 cluding individuals with disabilities and the
9 elderly.

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

13 (3) CHAIRPERSON.—The Administrator (or the
14 Administrator’s designee) shall serve as the Chair-
15 person of the Advisory Committee.

16 (4) MEETINGS.—

17 (A) INITIAL MEETING.—The initial meet-
18 ing of the Advisory Committee shall take place
19 not later than 60 days after the date of enact-
20 ment of this Act.

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

24 (C) NOTICE; OPEN MEETINGS.—Meetings
25 held by the Advisory Committee shall be duly

1 noticed at least 14 days in advance and shall be
2 open to the public.

3 (5) RULES.—

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

8 (B) SUBCOMMITTEES.—To assist the Advi-
9 sory Committee in carrying out its functions,
10 the Chairperson may establish appropriate sub-
11 committees composed of members of the Advi-
12 sory Committee and other subject matter ex-
13 perts as the Chairperson considers necessary.

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

17 (6) RECOMMENDATIONS.—The Advisory Com-
18 mittee shall develop and submit in its final report
19 recommendations for an integrated public alert and
20 warning system, including—

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

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

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

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

11 (iii) incorporates multiple communica-
12 tions technologies;

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

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

21 (vi) promotes local and regional public
22 and private partnerships to enhance com-
23 munity preparedness and response; and

24 (vii) provides redundant alert mecha-
25 nisms where practicable so as to reach the

1 greatest number of people regardless of
2 whether they have access to, or utilize, any
3 specific medium of communication or any
4 particular device.

5 (7) FINAL REPORT.—Not later than one year
6 after the date of enactment of this Act, the Advisory
7 Committee shall submit to the Administrator, the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives, and the Committee on
10 Homeland Security and Governmental Affairs of the
11 Senate a report containing the recommendations of
12 the Advisory Committee.

13 (8) FEDERAL ADVISORY COMMITTEE ACT.—
14 Neither the Federal Advisory Committee Act (5
15 U.S.C. App.) nor any rule, order, or regulation pro-
16 mulgated under that Act shall apply to the Advisory
17 Committee.

18 (9) TERMINATION.—The Advisory Committee
19 shall terminate not later than 60 days following the
20 submission of its final report.

21 (c) TECHNICAL CORRECTION.—Section 202(c) of the
22 Robert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5132(c)) is amended by striking “sec-
24 tion 611(c)” and inserting “section 611(d)”.

1 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Nothing in this section (including the amendment made
3 by this section) shall be construed to affect the authority
4 of the Department of Commerce or the Federal Commu-
5 nications Commission.

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