

112TH CONGRESS
2^D SESSION

S. 2319

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Integrated Public Alert
5 and Warning System Modernization Act of 2012”.

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, wars, acts of ter-
10 rorism, other man-made disasters, and other hazards to
11 public safety under this title, 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 ensure that under all conditions the President
16 and, except to the extent the public alert and warn-
17 ing system is in use by the President, Federal agen-
18 cies and State, tribal, and local governments can
19 alert and warn the civilian population in areas en-
20 dangered by a natural disaster, war, act of ter-
21 rorism, other man-made disaster, or other hazard to
22 public safety; and

23 “(2) implement the public alert and warning
24 system.

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

1 “(1) establish or adopt, as appropriate, common
2 alerting and warning protocols, standards, termi-
3 nology, and operating procedures for the public alert
4 and warning system;

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

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

15 “(4) ensure training, tests, and exercises for the
16 public alert and warning system are conducted, in-
17 cluding—

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

24 “(B) the conduct of periodic nationwide
25 tests; and

1 “(C) by establishing and integrating into
2 the National Incident Management System a
3 comprehensive and periodic training program to
4 instruct and educate Federal, State, tribal, and
5 local government officials in the use of the
6 Common Alerting Protocol enabled-Emergency
7 Alert System;

8 “(5) conduct public education efforts so that
9 State, tribal, and local governments, private entities,
10 and the people of the United States understand the
11 functions of the public alert and warning system and
12 how to access, use, and respond to information from
13 the public alert and warning system through a gen-
14 eral market awareness campaign;

15 “(6) in coordination with the Secretary, ensure
16 that the public alert and warning system coordinates
17 with the National Terrorism Advisory System, in-
18 cluding ensuring that the National Terrorism Advi-
19 sory System participates in tests of the public alert
20 and warning system;

21 “(7) consult, coordinate, and cooperate with the
22 appropriate private sector entities and Federal,
23 State, tribal, and local governmental authorities, in-
24 cluding the Regional Administrators and emergency
25 response providers; and

1 “(8) coordinate with, and consider the rec-
2 ommendations of, the subcommittee established
3 under section 2(b) of the Integrated Public Alert
4 and Warning System Modernization Act of 2012.

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

7 “(1) incorporate multiple communication sys-
8 tems and technologies, to the extent determined ap-
9 propriate by the Administrator;

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

13 “(3) be designed to—

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

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

22 “(4) provide redundant alert mechanisms where
23 practicable so as to reach the greatest number of
24 people.

1 “(d) PILOT PROGRAMS.—The Administrator may
2 conduct pilot programs for the purpose of demonstrating
3 the feasibility of using a variety of methods for achieving
4 the system requirements specified in subsection (c).

5 “(e) USE OF SYSTEM.—

6 “(1) LIMITATION.—Except to the extent nec-
7 essary for testing the public alert and warning sys-
8 tem, the Administrator may not transmit a message
9 from the President using the public alert and warn-
10 ing system that does not relate to a natural disaster,
11 war, act of terrorism, other man-made disaster, or
12 other hazard to public safety.

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

16 “(f) PERFORMANCE REPORTS.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of the Integrated Public Alert
19 and Warning System Modernization Act of 2012,
20 and annually thereafter through 2017, the Adminis-
21 trator shall make available on the public website of
22 the Agency a performance report, which shall—

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

1 “(B) describe the performance of the pub-
2 lic alert and warning system, including—

3 “(i) the type of technology used for
4 alerts and warnings issued under the sys-
5 tem;

6 “(ii) the measures taken to alert,
7 warn, and provide equivalent information
8 to individuals with disabilities and individ-
9 uals with limited English proficiency; and

10 “(iii) the training, tests, and exercises
11 performed and the outcomes obtained by
12 the Agency;

13 “(C) identify significant challenges to the
14 effective operation of the public alert and warn-
15 ing system and any plans to address these chal-
16 lenges;

17 “(D) identify other necessary improve-
18 ments to the system; and

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

23 “(2) CONGRESS.—The Administrator shall sub-
24 mit to the Committee on Homeland Security and
25 Governmental Affairs of the Senate and the Com-

1 mittee on Transportation and Infrastructure and the
2 Committee on Homeland Security of the House of
3 Representatives each report required under para-
4 graph (1).”.

5 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
6 TEM MODERNIZATION SUBCOMMITTEE.—

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

17 (2) MEMBERSHIP.—Notwithstanding section
18 508(c) of the Homeland Security Act of 2002 (6
19 U.S.C. 318(e)), the Subcommittee shall be composed
20 of the following members:

21 (A) The Chairman of the Federal Commu-
22 nications Commission (or the Chairman’s des-
23 ignee).

24 (B) The Administrator of the National
25 Oceanic and Atmospheric Administration of the

1 Department of Commerce (or the Administra-
2 tor's designee).

3 (C) The Assistant Secretary for Commu-
4 nications and Information of the Department of
5 Commerce (or the Assistant Secretary's des-
6 ignee).

7 (D) The Under Secretary for Science and
8 Technology of the Department of Homeland Se-
9 curity (or the Under Secretary's designee).

10 (E) The Under Secretary for the National
11 Protection and Programs Directorate (or the
12 Under Secretary's designee).

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

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

20 (i) Representatives of State and local
21 governments, representatives of federally
22 recognized Indian tribes and national tribal
23 organizations, representatives of emergency
24 management agencies, representatives of
25 emergency response providers, and rep-

1 representatives of emergency communication
2 providers.

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

7 (I) vendors, developers, and man-
8 ufacturers of systems, facilities, equip-
9 ment, and capabilities for the provi-
10 sion of communications services;

11 (II) the broadcasting industry;

12 (III) the cellular industry;

13 (IV) the cable industry;

14 (V) the satellite industry;

15 (VI) consumer or privacy advo-
16 cates;

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

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

24 (iii) Qualified representatives of such
25 other stakeholders and interested and af-

1 fected parties as the Administrator con-
2 siders appropriate.

3 (3) CHAIRPERSON.—The Administrator (or the
4 Administrator’s designee) shall serve as the Chair-
5 person of the Subcommittee.

6 (4) MEETINGS.—

7 (A) INITIAL MEETING.—The initial meet-
8 ing of the Subcommittee shall take place not
9 later than 180 days after the date of enactment
10 of this Act.

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

14 (5) RECOMMENDATIONS.—The Subcommittee
15 may develop and submit under paragraph (6) rec-
16 ommendations for the continuation and improvement
17 of the public alert and warning system, including—

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

22 (B) an assessment of the accomplishments
23 and deficiencies of the public alert and warning
24 system, as well as the impact on current alert
25 and warning systems; and

1 (C) recommendations for improvements to
2 the public alert and warning system, including
3 recommendations to provide for a public alert
4 and warning system that—

5 (i) has the capability to adapt the dis-
6 tribution and content of communications
7 on the basis of geographic location, risks,
8 and multiple communication systems and
9 technologies, as appropriate;

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

13 (iii) incorporates multiple communica-
14 tions technologies, to the extent deter-
15 mined appropriate by the Subcommittee;

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

19 (v) encourages proper use by State
20 and local governments of the public alert
21 and warning system through training pro-
22 grams and other means;

23 (vi) is designed to provide alerts to
24 the largest portion of the affected popu-
25 lation feasible, including nonresident visi-

1 tors and tourists, and improve the ability
2 of remote areas to receive alerts;

3 (vii) promotes local and regional pub-
4 lic and private partnerships to enhance
5 community preparedness and response; and

6 (viii) provides redundant alert mecha-
7 nisms where practicable so as to reach the
8 greatest number of people regardless of
9 whether they have access to, or use, any
10 specific medium of communication or any
11 particular device.

12 (6) REPORTS.—The Subcommittee shall submit
13 to the National Advisory Council established under
14 section 508 of the Homeland Security Act of 2002
15 (6 U.S.C. 318) and the Administrator a report re-
16 garding any recommendations agreed to by the Sub-
17 committee.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are to be authorized to be appropriated such sums as may
20 be necessary to carry out this Act and the amendments
21 made by the Act for each of fiscal years 2013 through
22 2017.

23 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
24 Nothing in this section (including the amendments made
25 by this section) shall be construed to affect the authority

1 of the Department of Commerce or the Federal Commu-
2 nications Commission.

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