

112TH CONGRESS
1ST SESSION

H. R. 2904

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 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 2011”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to enable the Adminis-
3 trator of the Federal Emergency Management Agency to
4 carry out the responsibilities required pursuant to section
5 202 of the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5132).

7 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
8 **TEM MODERNIZATION.**

9 (a) IN GENERAL.—Section 202 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5132) is amended by adding at the end the
12 following:

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

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

19 “(A) modernize the integrated public alert
20 and warning system of the United States (in
21 this section referred to as the ‘public alert and
22 warning system’) to ensure that the President
23 under all conditions can alert and warn govern-
24 mental authorities and the civilian population in
25 areas endangered by disasters as required pur-
26 suant to subsection (a); and

1 “(B) implement the public alert and warn-
2 ing system.

3 “(2) IMPLEMENTATION REQUIREMENTS.—In
4 carrying out paragraph (1), the Administrator shall,
5 consistent with the recommendations in the final re-
6 port of the Integrated Public Alert and Warning
7 System Advisory Committee (established under the
8 Integrated Public Alert and Warning System Mod-
9 ernization Act of 2011)—

10 “(A) establish or adopt, as appropriate,
11 common alerting and warning protocols, stand-
12 ards, terminology, and operating procedures for
13 the public alert and warning system;

14 “(B) include in the public alert and warn-
15 ing system the capability to adapt the distribu-
16 tion and content of communications on the
17 basis of geographic location, risks, or personal
18 user preferences, as appropriate;

19 “(C) include in the public alert and warn-
20 ing system the capability to alert and warn in-
21 dividuals with disabilities and individuals with
22 limited English proficiency; and

23 “(D) ensure that training, tests, and exer-
24 cises are conducted for the public alert and
25 warning system.

1 “(3) SYSTEM REQUIREMENTS.—The public
2 alert and warning system shall—

3 “(A) incorporate multiple communications
4 technologies;

5 “(B) be designed to adapt to, and incor-
6 porate, future technologies for communicating
7 directly with the public;

8 “(C) be designed to provide alerts to the
9 largest portion of the affected population fea-
10 sible, including nonresident visitors and tour-
11 ists, and improve the ability of remote areas to
12 receive alerts;

13 “(D) promote local and regional public and
14 private partnerships to enhance community pre-
15 paredness and response; and

16 “(E) provide redundant alert mechanisms
17 if practicable so as to reach the greatest num-
18 ber of people regardless of whether they have
19 access to, or utilize, any specific medium of
20 communication or any particular device.

21 “(4) IMPLEMENTATION PLAN.—Not later than
22 6 months after the date of submission of the final
23 report of the Integrated Public Alert and Warning
24 System Advisory Committee, the Administrator shall
25 submit to the Committee on Transportation and In-

1 frastructure of the House of Representatives and the
2 Committee on Homeland Security and Governmental
3 Affairs of the Senate a detailed plan to implement
4 the public alert and warning system. The plan shall
5 include a timeline for implementation, a spending
6 plan, and recommendations for any additional au-
7 thority that may be necessary to fully implement
8 this subsection.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$13,400,000 for each of fiscal years
12 2012 and 2013 from amounts made available for
13 management and administration.”.

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

16 (1) ESTABLISHMENT.—Not later than 60 days
17 after the date of enactment of this Act, the Adminis-
18 trator of the Federal Emergency Management Agen-
19 cy shall establish an advisory committee to be known
20 as the Integrated Public Alert and Warning System
21 Advisory Committee (in this subsection referred to
22 as the “Advisory Committee”).

23 (2) MEMBERSHIP.—The Advisory Committee
24 shall be composed of the following members, to be

1 appointed by the Administrator as soon as prac-
2 ticable after the date of enactment of this Act:

3 (A) The Chairman of the Federal Commu-
4 nications Commission.

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

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

11 (D) Representatives of State and local gov-
12 ernments, representatives of emergency man-
13 agement agencies, and representatives of emer-
14 gency response providers, selected from among
15 individuals nominated by national organizations
16 representing governments and personnel.

17 (E) Representatives from federally recog-
18 nized Indian tribes and national Indian organi-
19 zations.

20 (F) Individuals who have the requisite
21 technical knowledge and expertise to serve on
22 the Advisory Committee, including representa-
23 tives of—

24 (i) communications service providers;

1 (ii) vendors, developers, and manufac-
2 turers of systems, facilities, equipment,
3 and capabilities for the provision of com-
4 munications services;

5 (iii) third-party service bureaus;

6 (iv) the broadcasting industry;

7 (v) the national organization rep-
8 resenting the licensees and permittees of
9 noncommercial broadcast television sta-
10 tions;

11 (vi) the cellular industry;

12 (vii) the cable industry;

13 (viii) the satellite industry; and

14 (ix) national organizations rep-
15 resenting individuals with special needs, in-
16 cluding individuals with disabilities and the
17 elderly.

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

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

23 (4) MEETINGS.—

24 (A) INITIAL MEETING.—The initial meet-
25 ing of the Advisory Committee shall take place

1 not later than 60 days after the date of enact-
2 ment of this Act.

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

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

10 (5) RULES.—

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

15 (B) SUBCOMMITTEES.—To assist the Advi-
16 sory Committee in carrying out its functions,
17 the Chairperson may establish appropriate sub-
18 committees composed of members of the Advi-
19 sory Committee and other subject matter ex-
20 perts as the Chairperson considers necessary.

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

24 (6) RECOMMENDATIONS.—The Advisory Com-
25 mittee shall develop and submit in its final report

1 recommendations for an integrated public alert and
2 warning system, including—

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

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

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

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

17 (iii) incorporates multiple communica-
18 tions technologies;

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

22 (v) is designed to provide alerts to the
23 largest portion of the affected population
24 feasible, including nonresident visitors and

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

3 (vi) promotes local and regional public
4 and private partnerships to enhance com-
5 munity preparedness and response; and

6 (vii) 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 utilize, any
10 specific medium of communication or any
11 particular device.

12 (7) FINAL REPORT.—Not later than 1 year
13 after the date of enactment of this Act, the Advisory
14 Committee shall submit to the Administrator, the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives, and the Committee on
17 Homeland Security and Governmental Affairs of the
18 Senate a report containing the recommendations of
19 the Advisory Committee.

20 (8) FEDERAL ADVISORY COMMITTEE ACT.—
21 Neither the Federal Advisory Committee Act (5
22 U.S.C. App.) nor any rule, order, or regulation pro-
23 mulgated under that Act shall apply to the Advisory
24 Committee.

1 (9) **TERMINATION.**—The Advisory Committee
2 shall terminate not later than 60 days after the sub-
3 mission of its final report.

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

8 (d) **LIMITATION ON STATUTORY CONSTRUCTION.**—
9 Nothing in this section (including the amendment made
10 by this section) shall be construed to affect the authority
11 of the Department of Commerce or the Federal Commu-
12 nications Commission.

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