

Union Calendar No. 711

114TH CONGRESS
2^D SESSION

H. R. 1472

[Report No. 114-900]

To establish a modernized national Integrated Public Alert and Warning System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

Mr. BARLETTA (for himself, Mr. CARSON of Indiana, Mr. SHUSTER, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 30, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To establish a modernized national Integrated Public Alert
and Warning System, 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 2015”.

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

8 (a) INTEGRATED PUBLIC ALERT AND WARNING SYS-
9 TEM MODERNIZATION.—

10 (1) IN GENERAL.—To provide timely and effec-
11 tive disaster warnings under this section, the Presi-
12 dent, acting through the Administrator of the Fed-
13 eral Emergency Management Agency, shall, except
14 as provided in paragraph (4)—

15 (A) modernize the integrated public alert
16 and warning system of the United States (in
17 this section referred to as the “public alert and
18 warning system”) to ensure that the President
19 under all conditions is able to alert and warn
20 governmental authorities and the civilian popu-
21 lation in areas endangered by disasters; and

22 (B) implement the public alert and warn-
23 ing system.

24 (2) IMPLEMENTATION REQUIREMENTS.—In car-
25 rying out paragraph (1), the Administrator shall,

1 consistent with the recommendations in the final re-
2 port of the Integrated Public Alert and Warning
3 System Advisory Committee (established under sub-
4 section (b))—

5 (A) establish or adopt, as appropriate,
6 common alerting and warning protocols, stand-
7 ards, terminology, and operating procedures for
8 the public alert and warning system;

9 (B) include in the public alert and warning
10 system the capability to adapt the distribution
11 and content of communications on the basis of
12 geographic location, risks, or personal user
13 preferences, as appropriate;

14 (C) include in the public alert and warning
15 system the capability to alert, warn, and pro-
16 vide the equivalent amount of information to in-
17 dividuals with disabilities and individuals with
18 access and functional needs;

19 (D) ensure that training, tests, and exer-
20 cises are conducted for the public alert and
21 warning system and that the system is incor-
22 porated into other training and exercise pro-
23 grams of the Department of Homeland Secu-
24 rity, as appropriate;

1 (E) establish and integrate into the Na-
2 tional 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 (F) ensure that the public alert and warn-
9 ing system is resilient, secure, and can with-
10 stand acts of terrorism and other external at-
11 tacks.

12 (3) SYSTEM REQUIREMENTS.—Consistent with
13 paragraph (1), the public alert and warning system
14 shall—

15 (A) incorporate multiple communications
16 technologies;

17 (B) be designed to adapt to, and incor-
18 porate, future technologies for communicating
19 directly with the public;

20 (C) to the extent technically feasible, be
21 designed to provide alerts to the largest portion
22 of the affected population, including non-
23 resident visitors and tourists and individuals
24 with disabilities and access and functional

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

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

6 (E) provide redundant alert mechanisms if
7 practicable so as to reach the greatest number
8 of people regardless of whether they have access
9 to, or utilize, any specific medium of commu-
10 nication or any particular device; and

11 (F) include a mechanism to ensure the
12 protection of individual privacy.

13 (4) LIMITATION ON AUTHORITY.—Nothing in
14 this subsection authorizes or requires the Federal
15 Emergency Management Agency or any other gov-
16 ernment entity to require any action on the part of
17 the Federal Communications Commission, the De-
18 partment of Commerce, the Office of Emergency
19 Communications, or any nongovernmental entity,
20 nor impact any existing obligations of such entities.

21 (5) IMPLEMENTATION PLAN.—Not later than
22 180 days after the date of submission of the report
23 of the Integrated Public Alert and Warning System
24 Advisory Committee, the Administrator shall submit
25 to the Committee on Transportation and Infrastruc-

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

9 (6) FUNDING.—There is authorized to be ap-
10 propriated \$12,824,000 of the amount made avail-
11 able pursuant to section 699 of the Post Katrina
12 Emergency Management Reform Act of 2006 (Pub-
13 lic Law 109–295; 6 U.S.C. 811) for each of fiscal
14 years 2016, 2017, and 2018 to carry out the provi-
15 sions of this section.

16 (b) INTEGRATED PUBLIC ALERT AND WARNING SYS-
17 TEM ADVISORY COMMITTEE.—

18 (1) ESTABLISHMENT.—Not later than 90 days
19 after the date of enactment of this Act, the Adminis-
20 trator of the Federal Emergency Management Agen-
21 cy shall establish an advisory committee to be known
22 as the Integrated Public Alert and Warning System
23 Advisory Committee (in this subsection referred to
24 as the “Advisory Committee”).

1 (2) MEMBERSHIP.—The Advisory Committee
2 shall be composed of the following members (or their
3 designees) to be appointed by the Administrator as
4 soon as practicable after the date of enactment of
5 this Act:

6 (A) The Chairman of the Federal Commu-
7 nications Commission.

8 (B) The Administrator of the National
9 Oceanic and Atmospheric Administration of the
10 Department of Commerce.

11 (C) The Assistant Secretary for Commu-
12 nications and Information of the Department of
13 Commerce.

14 (D) The Director of the Office of Dis-
15 ability Integration and Coordination of the Fed-
16 eral Emergency Management Agency.

17 (E) Representatives of State and local gov-
18 ernments, representatives of emergency man-
19 agement agencies, and representatives of emer-
20 gency response providers, selected from among
21 individuals nominated by national organizations
22 representing governments and personnel.

23 (F) Representatives from federally recog-
24 nized Indian tribes and national Indian organi-
25 zations.

1 (G) Individuals who have the requisite
2 technical knowledge and expertise to serve on
3 the Advisory Committee, including representa-
4 tives of—

5 (i) communications service providers;

6 (ii) vendors, developers, and manufac-
7 turers of systems, facilities, equipment,
8 and capabilities for the provision of com-
9 munications services;

10 (iii) third-party service bureaus;

11 (iv) the broadcasting industry, includ-
12 ing commercial and noncommercial radio
13 and television stations;

14 (v) the commercial mobile radio serv-
15 ice industry;

16 (vi) the cable industry;

17 (vii) the satellite industry; and

18 (viii) national organizations rep-
19 resenting individuals with disabilities and
20 access and functional needs and national
21 organizations representing the elderly.

22 (H) Qualified representatives of such other
23 stakeholders and interested and affected parties
24 as the Administrator considers appropriate.

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

3 (4) MEETINGS.—

4 (A) INITIAL MEETING.—The initial meet-
5 ing of the Advisory Committee shall take place
6 not later than 120 days after the date of enact-
7 ment of this Act.

8 (B) OTHER MEETINGS.—After the initial
9 meeting, the Advisory Committee shall meet, at
10 least annually, at the call of the Chairperson.

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

15 (D) INTERESTED PERSONS.—Interested
16 persons shall be permitted to attend, appear be-
17 fore, or file statements with the Advisory Com-
18 mittee, in accordance with subsection (c) of sec-
19 tion 552b of title 5, United States Code.

20 (E) MEETING MINUTES.—The Advisory
21 Committee shall keep detailed minutes of each
22 meeting, which shall contain a record of the
23 persons present, a complete and accurate de-
24 scription of matters discussed and conclusions

1 reached, and copies of all reports received,
2 issued, or approved by the Advisory Committee.

3 (F) AVAILABILITY OF INFORMATION.—The
4 records, reports, transcripts, minutes, appen-
5 dixes, working papers, drafts, studies, agenda,
6 or other documents which were made available
7 to or prepared for or by the Advisory Com-
8 mittee shall be available for public inspection
9 and copying, subject to section 552 of title 5,
10 United States Code, at a single location in the
11 office of the Federal Emergency Management
12 Agency until the Advisory Committee ceases to
13 exist.

14 (5) RULES.—

15 (A) QUORUM.—One-third of the members
16 of the Advisory Committee shall constitute a
17 quorum for conducting business of the Advisory
18 Committee.

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

1 (C) ADDITIONAL RULES.—The Advisory
2 Committee may adopt such other rules as are
3 necessary to carry out its duties.

4 (6) CONSULTATION WITH NONMEMBERS.—The
5 Advisory Committee and the program offices for the
6 integrated public alert and warning system for the
7 United States shall regularly meet with groups that
8 are not represented on the Advisory Committee to
9 consider new and developing technologies that may
10 be beneficial to the public alert and warning system.
11 Such groups may include—

12 (A) the Defense Advanced Research
13 Projects Agency;

14 (B) entities engaged in federally funded re-
15 search; and

16 (C) academic institutions engaged in rel-
17 evant work and research.

18 (7) RECOMMENDATIONS.—The Advisory Com-
19 mittee shall develop recommendations for an inte-
20 grated public alert and 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; and

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;

24 (vii) provides redundant alert mecha-
25 nisms if practicable in order 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; and

5 (viii) promotes the participation of
6 representatives from traditionally under-
7 served and underrepresented communities,
8 to ensure that alerts and warnings reach
9 such populations.

10 (8) INITIAL AND ANNUAL REPORT.—Not later
11 than 1 year after the date of enactment of this Act,
12 the Advisory Committee shall submit to the Admin-
13 istrator, the Committee on Transportation and In-
14 frastructure and the Committee on Homeland Secu-
15 rity of the House of Representatives, and the Com-
16 mittee on Homeland Security and Governmental Af-
17 fairs of the Senate a report containing the rec-
18 ommendations of the Advisory Committee.

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

1 (10) TERMINATION.—The Advisory Committee
2 shall terminate not later than 6 years after the date
3 of enactment of this Act.

4 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
5 Nothing in this section shall be construed to provide the
6 Federal Emergency Management Agency with regulatory
7 authority with respect to any nongovernment entity.

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