



S. 1223

Definition

A First Response Broadcaster is defined as a local or regional television or radio broadcaster who provides essential disaster-related public information programming before, during or after the occurrence of a natural or manmade disaster.

Primary Entry Point (PEP) Stations

A Primary Entry Point (PEP) station is a radio broadcast station designated to provide public information following national and local emergencies where there is no commercial power. These stations have protected, government-funded circuits connecting them to emergency command centers. For example, WWL Radio in New Orleans was the only PEP station in the Gulf Coast after Hurricane Katrina and it provided radio broadcasts for two weeks after the storm until commercial power was restored. There are currently twenty eight states with PEP stations with two under construction in Alabama and Mississippi. This leaves an additional twenty states without PEP stations.

This bill, S. 1223, would authorize \$6.5 million to the Federal Emergency Management Agency (FEMA) to set up PEP stations in the additional twenty states without a PEP station, the two states with stations but requiring an another station for full geographic coverage, and three in U.S. territories abroad.

Clarification of Stafford Act Regulations

In the aftermath of Hurricanes Katrina and Rita, many local broadcasters could not access fuel, water, food and other supplies critical to keeping vital public information services on the air. In some cases, those who took the initiative and obtained these supplies elsewhere experienced confiscations of the supplies by local, State or Federal authorities. While emergency services and public safety needs should take precedence over private industry interests, broadcasters should also be given special consideration following a disaster if they maintain essential disaster-related public information services.

This bill would, where practicable, grant First Response Broadcasters access to Federal supplies of fuel, food, water and other essentials in a priority status behind

that of emergency services, health care facilities and public utilities. This bill would also amend the Stafford Act to allow, where practicable and not endangering public safety, First Response Broadcasters to retain fuel, water, food and other supplies, without the possibility of Federal confiscation if they were obtained and employed for the purpose broadcasting essential disaster-related public information programming.

Broadcast Disaster Preparedness Matching Grants

Broadcasters are only able to provide essential public information services in a disaster if they are able to stay on the air. Unfortunately, many transmitters, towers and key broadcast facilities are not sufficiently protected against potential threats. As an example, WWL-TV New Orleans recognized this vulnerability and upgraded their transmission facilities in the mid-1990s to better survive hurricanes and flooding. As a result, WWL was the only major television station in the market still broadcasting their over-the-air signal following Hurricane Katrina.

To protect vital broadcast infrastructure and encourage more broadcasters to deploy disaster-resistant telecommunications equipment, the bill would create a 3-year pilot program managed by the Federal Emergency Management Agency to provide annual matching grants to qualified First Response Broadcasters for the protection and reinforcement of critical-to-air facilities and infrastructure. The program would receive \$10 million per year to fund matching program grants, and grants could also be used for projects to enhance essential disaster-related public information services.

As the program encourages both disaster preparedness and community coordination, increased scoring would be granted to applications from broadcasters who form cooperative proposals with other broadcasters in the area or those who submit plans in conjunction with local or state governments. Priority scoring would also be given to applicants in disaster-prone areas and also based on the public service merits of the broadcaster's disaster programming plan.

Disaster Area Access

Following Hurricanes Katrina and Rita, many local journalists were issued press credentials prior to the storms and were subsequently granted access to the disaster area by local municipalities, only to have these credentials disputed and, in some cases, not honored by state or federal authorities operating in the same area.

Further, the restoration of critical broadcast facilities in the region was also inhibited as engineers and technicians were in many cases denied access to their facilities in the disaster area.

The bill would require that the Federal Emergency Management Agency and other Federal response agencies, in coordination with state and local authorities and the National Guard, honor press access guidelines and credentials set by the local governing authority in the declared disaster area. (For example, if the City of New

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Orleans issued press credentials before the disaster and the city decided to continue honoring them post-disaster, FEMA officials operating in the area would be required to honor those credentials as well.) The local entity, at its own discretion, would be able to request that this credentialing authority be passed instead to federal or state officials.

The bill would also direct the Federal Emergency Management Agency to coordinate with local and state agencies to expedite access into the disaster area for personnel and equipment essential to restoring or maintaining critical-to-air broadcast infrastructure. The priority policies and procedures for this coordination would be similar to those practiced for restoring public utilities, and would include access for refueling generators and re-supplying critical facilities.