To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2011

Mr. BILIRAKIS (for himself and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 20, 2012
Additional sponsor: Mr. CASSIDY

SEPTEMBER 20, 2012
Reported from the Committee on Homeland Security with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 20, 2012
The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed
[For text of introduced bill, see copy of bill as introduced on December 6, 2011]
A BILL

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) numerous proven and tested technologies exist
to enable the Federal Government to enhance its dis-
semination of public alerts and warnings;

(2) the expected benefits of these enhancements
include—

(A) greater security, reliability, and redun-
dancy of the Federal Government’s alert and
warning capabilities;

(B) rapid alert dissemination;

(C) an improved ability to notify remote lo-
cations;

(D) the ability to geographically target and
deliver alerts and warnings through multiple
communication modes; and

(E) the ability to permit homeland security
grants to be utilized for the purposes of modern-
izing public alert and warning systems;
(3) there is a need to test the viability of delivering messages through diverse communications modes to effectively alert and warn the public;

(4) there is a need to modernize and improve the ability of the Federal Government to provide residents of the United States with timely and effective warnings; and

(5) although significant Federal integration efforts are underway, the aggregation, dissemination, and reporting system necessary for effective public alert and warning will require an integrated national network for reliable, secure, and authentic dissemination of emergency alerts and warnings by Federal, State, local, and tribal entities that are authorized to issue alerts to the public.

SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) In General.—

(1) Amendment.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end of the following new section:

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"SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

"(a) In General.—In order to provide timely and effective warnings and disseminate homeland security infor-
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mation and other information, the Secretary shall, consid-
ering the recommendations of the advisory committee estab-
lished under subsection (d), modernize and implement the
national integrated public alert and warning system (in
this section referred to as ‘the public alert and warning sys-
tem’).

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying
out subsection (a), the Secretary shall—

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

“(2) include in the public alert and warning sys-
tem the capability to adapt the dissemination of
homeland security information and other information
and the content of communications on the basis of ge-
ographic location, risks, or personal user preferences,
as appropriate;

“(3) include in the public alert and warning sys-
tem the capability to alert, warn, and provide the
equivalent amount of information to individuals with
disabilities and access and functional needs;

“(4) ensure the conduct of training, tests, and ex-
ercises for the public alert and warning system, and
that the system is incorporated into other training
and exercise programs of the Department, as appropriate;

“(5) ensure that ongoing training, integrated into the National Incident Management System, for receiving and disseminating public alert and warning system messages utilizing advanced technologies is provided to State, local, tribal, and other homeland security stakeholders involved in the transmission of such messages;

“(6) ensure that the public alert and warning system uses the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

“(7) conduct, at least once every 3 years, periodic nationwide tests of the public alert and warning system; and

“(8) consult, coordinate, and cooperate, to the extent practicable, with other Federal agencies and departments and with State, local, and tribal governments, the private sector, and other key stakeholders to leverage existing alert and warning capabilities.

“(c) SYSTEM REQUIREMENTS.—The Secretary shall ensure that the system—
“(1) incorporates redundant and diverse modes
to disseminate homeland security information and
other information in warning messages to the public
so as to reach the greatest number of individuals;
“(2) can be adapted to incorporate future tech-
nologies;
“(3) is resilient, secure, and can withstand acts
of terrorism and other external attacks;
“(4) promotes State, local, tribal, and regional
partnerships to enhance coordination;
“(5) is designed to provide alerts that are acces-
sible to the largest portion of the affected population
feasible, including nonresident visitors and tourists
and individuals with disabilities and access and func-
tional needs;
“(6) is designed to improve the ability of remote
areas and areas with underdeveloped telecommuni-
cations infrastructure to receive alerts; and
“(7) includes mechanisms to ensure the protec-
tion of individual privacy.
“(d) INTEGRATED PUBLIC ALERT AND WARNING SYS-
TEM MODERNIZATION ADVISORY COMMITTEE.—
“(1) ESTABLISHMENT.—Not later than 90 days
after the date of enactment of the Integrated Public
Alert and Warning System Modernization Act of
2012, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the ‘Advisory Committee’).

“(2) MEMBERSHIP.—The Advisory Committee shall be composed of the following members:

“(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

“(B) The Administrator of the National Oceanic and Atmospheric Administration (or the Administrator’s designee).

“(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).


“(E) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(F) The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated
Public Alert and Warning System Modernization Act of 2012:

“(i) Representatives of State and local governments, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers, selected from among individuals nominated by national organizations representing governments and personnel.

“(ii) Representatives from federally recognized Indian tribes and national Indian organizations.

“(iii) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

“(I) communications service providers;

“(II) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

“(III) third-party service bureaus;

“(IV) the broadcasting industry;
“(V) the cellular industry;
“(VI) the cable industry;
“(VII) the satellite industry;
“(VIII) national organizations representing individuals with disabilities and access and functional needs, and the elderly; and
“(IX) national organizations representing educational institutions, including higher education.
“(iv) Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.

“(3) CHAIRPERSON.—The Secretary (or the Secretary’s designee) shall serve as the Chairperson of the Advisory Committee.

“(4) MEETINGS.—
“(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 120 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012.
“(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.

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

“(5) RULES.—The Advisory Committee may adopt such rules as are necessary to carry out its duties.

“(6) CONSULTATION WITH NONMEMBERS.—The Advisory Committee and the program office for the integrated public alert and warning system of the United States shall regularly meet with groups that are not represented on the Advisory Committee to consider new and developing technology that may be beneficial to the public alert and warning system, such as—

“(A) the Defense Advanced Research Projects Agency;

“(B) entities engaged in federally funded research; and

“(C) academic institutions engaged in relevant work and research.
“(7) RECOMMENDATIONS.—The Advisory Committee shall develop and submit in the annual reports under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

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

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

“(C) recommendations for increasing participation in the system, particularly among elementary, secondary, and higher education institutions; and

“(D) recommendations for improvements to the system, including recommendations to provide for a public alert and warning system that—

“(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and tech-
ologies or personal user preferences, as appropriate;

“(ii) has the capability to alert and warn individuals with disabilities and access and functional needs and individuals with limited English proficiency;

“(iii) incorporates multiple communications technologies;

“(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

“(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

“(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

“(vii) promotes local and regional public and private partnerships to enhance community preparedness and response;

“(viii) promotes the participation of representatives from underserved and
underrepresented communities, to ensure that alerts and warnings reach such populations; and

“(ix) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

“(8) REPORT.—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2012, and every year after, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

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

“(e) REPORT.—Not later than 1 year after the date on which the system established under subsection (a) is fully functional and every six months thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland
Security and Governmental Affairs of the Senate, a report on the functionality and performance of the integrated public alert and warning system, including—

“(1) the findings of the most recent Advisory Committee report under subsection (d)(8);

“(2) an assessment of the accomplishments and deficiencies of the system;

“(3) recommendations for improvements to the system; and

“(4) information on the feasibility and effectiveness of disseminating homeland security information and other information, notices, and alerts prior to and following an incident requiring use of the system.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $13,400,000 for each of fiscal years 2013 through 2017.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

“Sec. 526. National integrated public alert and warning system modernization.”.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act (including the amendment made by this Act) shall be construed to affect the authority of the Department of Commerce, the Federal Communications Commis-
sion, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(c) HOMELAND SECURITY GRANTS.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

“(13) improving public alert and warning capabilities; and”.
A BILL

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