

Union Calendar No. 667

114TH CONGRESS
2^D SESSION**H. R. 1738****[Report No. 114–854, Part I]**

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

APRIL 13, 2015

Mr. BILIRAKIS (for himself, Mr. McCAUL, and Mrs. BROOKS of Indiana) 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

DECEMBER 8, 2016

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 8, 2016

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 April 13, 2015]

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.

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. FINDINGS.**

7 *Congress finds that—*

8 *(1) numerous proven and tested technologies exist*
9 *to enable the Federal Government to update and mod-*
10 *ernize its dissemination of public alerts and warn-*
11 *ings;*

12 *(2) the expected benefits of these enhancements*
13 *include—*

14 *(A) greater security, effectiveness, reli-*
15 *ability, integration, flexibility, comprehensive-*
16 *ness, and redundancy of the Federal Govern-*
17 *ment’s alert and warning capabilities;*

18 *(B) rapid alert dissemination;*

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

21 *(D) an improved ability to notify individ-*
22 *uals with disabilities; and*

23 *(E) the ability to geographically target and*
24 *deliver alerts and warnings through multiple*
25 *communication modes;*

1 (3) *there is a need to test the viability of deliv-*
2 *ering messages through diverse communications modes*
3 *to effectively alert and warn the public;*

4 (4) *there is a need to update, modernize, and im-*
5 *prove the ability of the Federal Government to pro-*
6 *vide residents of the United States with timely and*
7 *effective warnings;*

8 (5) *although significant Federal integration ef-*
9 *forts are underway, the aggregation, dissemination,*
10 *and reporting system necessary for effective public*
11 *alert and warning will require an integrated national*
12 *network for flexible, reliable, secure, and authenticated*
13 *dissemination of emergency alerts and warnings by*
14 *Federal, State, local, and tribal entities that are au-*
15 *thorized to issue alerts to the public;*

16 (6) *there is a need to ensure that alerts and*
17 *warnings are accessible to people with disabilities,*
18 *particularly with sensory disabilities; and*

19 (7) *States and urban areas should be allowed to*
20 *utilize homeland security grants for the purposes of*
21 *updating and modernizing public alert and warning*
22 *capabilities.*

23 **SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARN-**
24 **ING SYSTEM MODERNIZATION.**

25 (a) *IN GENERAL.*—

1 (1) *AMENDMENT.—Title V of the Homeland Se-*
2 *curity Act of 2002 (6 U.S.C. 311 et seq.) is amended*
3 *by adding at the end of the following new section:*

4 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
5 **WARNING SYSTEM MODERNIZATION.**

6 “(a) *IN GENERAL.—In order to provide timely and ef-*
7 *fective warnings and disseminate homeland security infor-*
8 *mation and other information, the Secretary shall, consid-*
9 *ering the recommendations of the advisory committee estab-*
10 *lished under subsection (e), update, modernize, and imple-*
11 *ment the national integrated public alert and warning sys-*
12 *tem.*

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

15 “(1) *ensure that under all conditions the Presi-*
16 *dent is able to alert and warn governmental authori-*
17 *ties and the civilian population in areas endangered*
18 *by an act of terrorism, natural disaster, war, other*
19 *man-made disaster, or other hazard to public safety;*

20 “(2) *establish or adapt, as appropriate, common*
21 *alerting and warning protocols, standards, termi-*
22 *nology, and operating procedures for the integrated*
23 *public alert and warning system;*

24 “(3) *include in the integrated public alert and*
25 *warning system the capability to adapt the dissemi-*

1 *nation of homeland security information and other*
2 *information, and the content of communications, on*
3 *the basis of geographic location, risks, and multiple*
4 *communications systems and technologies, as appro-*
5 *priate;*

6 *“(4) to the extent technically feasible, include in*
7 *the national integrated public alert and warning sys-*
8 *tem the capability to alert, warn, and provide the*
9 *equivalent amount of information to—*

10 *“(A) individuals with limited English pro-*
11 *ficiency skills;*

12 *“(B) individuals with disabilities, particu-*
13 *larly sensory disabilities; and*

14 *“(C) individuals with other access or func-*
15 *tional needs;*

16 *“(5) ensure training, tests, and exercises for the*
17 *integrated public alert and warning system, and that*
18 *the system is incorporated into other training and ex-*
19 *ercise programs of the Department, as appropriate;*

20 *“(6) ensure that a comprehensive and periodic*
21 *training program, consistent with the principles of,*
22 *and integrated with, the National Incident Manage-*
23 *ment System and in support of the National Pre-*
24 *paredness System, for receiving and disseminating*
25 *the integrated public alert and warning system mes-*

1 *sages utilizing advanced technologies is provided to*
2 *State, local, tribal, and other homeland security*
3 *stakeholders involved in the transmission of such mes-*
4 *sages;*

5 *“(7) conduct periodic nationwide tests of the in-*
6 *tegrated public alert and warning system, at least*
7 *once every 5 years; and*

8 *“(8) consult, coordinate, and cooperate, to the ex-*
9 *tent practicable, with other Federal agencies and de-*
10 *partments and with State, local, and tribal govern-*
11 *ments, the private sector, and other key stakeholders*
12 *to leverage existing alert and warning capabilities.*

13 *“(c) SYSTEM REQUIREMENTS.—The Secretary shall*
14 *ensure that the system—*

15 *“(1) incorporates redundant, diverse modes to*
16 *disseminate homeland security information and other*
17 *information in warning messages to the public so as*
18 *to reach the greatest number of individuals in the in-*
19 *tended area or location;*

20 *“(2) can be adapted to incorporate emerging and*
21 *future technologies, including social media;*

22 *“(3) is reliable, resilient, and secure, and can*
23 *withstand acts of terrorism, hazards, and other exter-*
24 *nal attacks or dangers;*

1 “(4) is, to the greatest extent practicable, hard-
2 ened against cyber attacks;

3 “(5) promotes State, local, tribal, and regional
4 partnerships to enhance coordination;

5 “(6) to the extent technically feasible, is designed
6 to provide alerts that are accessible to the largest por-
7 tion of the affected population, including nonresident
8 visitors and tourists, individuals with limited
9 English proficiency skills, and individuals with dis-
10 abilities, particularly sensory disabilities, or other ac-
11 cess or functional needs; and

12 “(7) is designed to improve the ability of affected
13 populations in remote areas and areas with under-
14 developed telecommunications infrastructure to receive
15 alerts.

16 “(d) *PRIVACY PROTECTION.*—The Secretary, in con-
17 sultation with the Department’s Chief Privacy Officer, shall
18 produce a Privacy Impact Assessment every 5 years to
19 evaluate whether the technology of the national integrated
20 public alert and warning system has implications on the
21 privacy rights of citizens of the United States.

22 “(e) *INTEGRATED PUBLIC ALERT AND WARNING SYS-*
23 *TEM MODERNIZATION ADVISORY COMMITTEE.*—

24 “(1) *ESTABLISHMENT.*—Not later than 90 days
25 after the date of enactment of the Integrated Public

1 *Alert and Warning System Modernization Act of*
2 *2015, the Secretary shall establish an advisory com-*
3 *mittee to be known as the Integrated Public Alert and*
4 *Warning System Advisory Committee (in this sub-*
5 *section referred to as the ‘Advisory Committee’).*

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

8 “(A) *The Chairman of the Federal Commu-*
9 *nications Commission (or the Chairman’s des-*
10 *ignee).*

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

14 “(C) *The Assistant Secretary for Commu-*
15 *nications and Information of the Department of*
16 *Commerce (or the Assistant Secretary’s designee).*

17 “(D) *The Director of the United States Geo-*
18 *logical Survey (or the Director’s designee).*

19 “(E) *The Under Secretary for Science and*
20 *Technology of the Department of Homeland Se-*
21 *curity (or the Under Secretary’s designee).*

22 “(F) *The Under Secretary for Cybersecurity*
23 *and Communications of the Department of*
24 *Homeland Security National Protection and*
25 *Programs Directorate.*

1 “(G) *The Director of the Office of Disability*
2 *Integration and Coordination of the Federal*
3 *Emergency Management Agency.*

4 “(H) *The following members, to be ap-*
5 *pointed by the Secretary as soon as practicable*
6 *after the date of enactment of the Integrated*
7 *Public Alert and Warning System Modernization*
8 *Act of 2015 for a term established by the Sec-*
9 *retary that does not exceed 5 years:*

10 “(i) *Representatives of State and local*
11 *governments, representatives of emergency*
12 *management agencies, representatives of*
13 *emergency response providers, and rep-*
14 *resentatives of emergency communications*
15 *providers, selected from among individuals*
16 *nominated by national organizations rep-*
17 *resenting governments and personnel.*

18 “(ii) *Representatives from federally*
19 *recognized Indian tribes and national In-*
20 *dian organizations.*

21 “(iii) *Individuals who have the req-*
22 *uisite technical knowledge and expertise to*
23 *serve on the Advisory Committee, including*
24 *representatives of—*

1 “(I) *communications service pro-*
2 *viders;*

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

7 “(III) *the broadcasting industry;*

8 “(IV) *the commercial mobile radio*
9 *service industry;*

10 “(V) *the cable industry;*

11 “(VI) *the satellite industry;*

12 “(VII) *consumer or privacy advo-*
13 *cates;*

14 “(VIII) *national organizations*
15 *representing individuals with disabil-*
16 *ities and access and functional needs;*

17 “(IX) *national organizations rep-*
18 *resenting the elderly; and*

19 “(X) *national organizations rep-*
20 *resenting educational institutions, in-*
21 *cluding higher education.*

22 “(iv) *Qualified representatives of such*
23 *other stakeholders and interested and af-*
24 *ected parties as the Secretary considers ap-*
25 *propriate.*

1 “(3) *CHAIRPERSON.*—*The Secretary (or the Sec-*
2 *retary’s designee) shall serve as the Chairperson of the*
3 *Advisory Committee.*

4 “(4) *MEETINGS.*—

5 “(A) *INITIAL MEETING.*—*The initial meet-*
6 *ing of the Advisory Committee shall take place*
7 *not later than 150 days after the date of enact-*
8 *ment of the Integrated Public Alert and Warning*
9 *System Modernization Act of 2015.*

10 “(B) *OTHER MEETINGS.*—*After the initial*
11 *meeting, the Advisory Committee shall meet, at*
12 *least annually, at the call of the Chairperson.*

13 “(C) *NOTICE; OPEN MEETINGS.*—*Meetings*
14 *held by the Advisory Committee shall be duly no-*
15 *ticed at least 14 days in advance and shall be*
16 *open to the public.*

17 “(5) *RULES.*—*The Advisory Committee may*
18 *adopt such rules as are necessary to carry out its du-*
19 *ties.*

20 “(6) *CONSULTATION WITH NONMEMBERS.*—*The*
21 *Advisory Committee and the program office for the*
22 *integrated public alert and warning system of the*
23 *United States shall regularly meet with groups that*
24 *are not represented on the Advisory Committee to*

1 *consider new and developing technology that may be*
2 *beneficial to such system, such as—*

3 “(A) *the Defense Advanced Research*
4 *Projects Agency;*

5 “(B) *entities engaged in federally funded re-*
6 *search; and*

7 “(C) *academic institutions engaged in rel-*
8 *evant work and research.*

9 “(7) *RECOMMENDATIONS.—The Advisory Com-*
10 *mittee may develop and submit in the annual reports*
11 *under paragraph (8) recommendations for the con-*
12 *tinuation and improvement of an integrated public*
13 *alert and warning system, including—*

14 “(A) *recommendations for common alerting*
15 *and warning protocols, standards, terminology,*
16 *and operating procedures for such system;*

17 “(B) *an assessment of the accomplishments*
18 *and deficiencies of such system, including its ac-*
19 *cessibility for individuals with disabilities, and*
20 *the impact on current alert and warning sys-*
21 *tems;*

22 “(C) *recommendations for increasing par-*
23 *ticipation in such system, particularly among el-*
24 *ementary, secondary, and higher education insti-*
25 *tutions; and*

1 “(D) recommendations for improvements to
2 such system, including recommendations to pro-
3 vide for a public alert and warning system
4 that—

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

10 “(ii) has the capability to alert and
11 warn individuals with disabilities, particu-
12 larly sensory disabilities, or access or func-
13 tional needs, and individuals with limited
14 English proficiency;

15 “(iii) incorporates multiple commu-
16 nications technologies;

17 “(iv) is designed to adapt to, and in-
18 corporate, emerging and future technologies
19 for communicating directly with the public;

20 “(v) is reliable, resilient, and secure,
21 and can withstand acts of terrorism, haz-
22 ards, and other external attacks or dangers;

23 “(v) is hardened and resilient, to the
24 greatest extent practicable, with respect to
25 cyber attacks;

1 “(vi) encourages proper use by State
2 and local governments of such system
3 through training programs and other
4 means;

5 “(vii) is designed to provide alerts to
6 the largest portion of the affected population
7 feasible, including nonresident visitors and
8 tourists, and improve the ability of remote
9 areas to receive alerts;

10 “(viii) promotes local and regional
11 public and private partnerships to enhance
12 community preparedness and response;

13 “(ix) promotes the participation of
14 representatives from underserved and
15 underrepresented communities, to ensure
16 that alerts and warnings reach such popu-
17 lations; and

18 “(x) provides redundant alert mecha-
19 nisms where practicable so as to reach the
20 greatest number of people regardless of
21 whether they have access to, or utilize, any
22 specific medium of communication or any
23 particular device.

24 “(8) *REPORT*.—Not later than one year after the
25 date of enactment of the Integrated Public Alert and

1 *Warning System Modernization Act of 2015, and*
2 *every year thereafter, the Advisory Committee shall*
3 *submit to the Secretary a report containing the rec-*
4 *ommendations of the Advisory Committee.*

5 *“(9) FEDERAL ADVISORY COMMITTEE ACT.—Nei-*
6 *ther the Federal Advisory Committee Act (5 U.S.C.*
7 *App.) nor any rule, order, or regulation promulgated*
8 *under that Act shall apply to the Advisory Com-*
9 *mittee.*

10 *“(10) SUNSET.—The Advisory Committee shall*
11 *terminate on the date that is six years after the date*
12 *on which the Advisory Committee is established pur-*
13 *suant to paragraph (1).*

14 *“(f) REPORT.—Not later than one year after the date*
15 *of the establishment of the Advisory Committee, and every*
16 *year thereafter for the next six years, the Secretary shall*
17 *submit to the Committee on Homeland Security and the*
18 *Committee on Transportation and Infrastructure of the*
19 *House of Representatives and the Committee on Homeland*
20 *Security and Governmental Affairs of the Senate, a report*
21 *on the functionality and performance of such system, in-*
22 *cluding—*

23 *“(1) the recommendations of the most recent Ad-*
24 *visory Committee report under subsection (e)(8), what*
25 *recommendations under such subsection the Secretary*

1 *has implemented to modernize the public alert and*
2 *warning system, and if any such recommendations*
3 *identified under such subsection were not imple-*
4 *mented, why the Secretary chose to not implement*
5 *such recommendations;*

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

8 *“(3) an assessment of the cybersecurity of the*
9 *system, including any relevant vulnerability assess-*
10 *ments;*

11 *“(4) recommendations based on lessons learned*
12 *during events in which the system was utilized;*

13 *“(5) recommendations for improvements to the*
14 *system;*

15 *“(6) information on the feasibility and effective-*
16 *ness of disseminating homeland security information*
17 *and other information, notices, and alerts prior to*
18 *and following an incident requiring use of the system;*
19 *and*

20 *“(7) information on any innovations in or*
21 *changes to the national integrated public alert and*
22 *warning system that result in the collection of person-*
23 *ally identifiable information.*

24 *“(g) COMPATIBLE MOBILE DEVICES.—The Secretary*
25 *shall—*

1 “(1) make available to the public, through the
 2 Internet and other appropriate means, a list of mobile
 3 devices that are capable of receiving warnings and
 4 alerts disseminated through the national integrated
 5 public alert and warning system; and

6 “(2) update such list as necessary, but not less
 7 often than once each year.

8 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 9 authorized to be appropriated to the Secretary to carry out
 10 this section \$12,800,000 for each of fiscal years 2016, 2017,
 11 and 2018.”.

12 (2) *CLERICAL AMENDMENT.*—The table of con-
 13 tents in section 1(b) of such Act is amended by add-
 14 ing at the end of the items relating to such title the
 15 following:

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

16 (b) *LIMITATION ON STATUTORY CONSTRUCTION.*—

17 (1) *IN GENERAL.*—Nothing in this Act (includ-
 18 ing the amendments made by this Act) shall be con-
 19 strued—

20 (A) to affect the authority of the Depart-
 21 ment of Commerce, the authority of the Federal
 22 Communications Commission, or the Robert T.
 23 Stafford Disaster Relief and Emergency Assist-
 24 ance Act (42 U.S.C. 5121 et seq.);

1 (B) to provide the Secretary of Homeland
 2 Security authority to require any action by the
 3 Federal Communications Commission, the De-
 4 partment of Commerce, or any nongovernment
 5 entity, or to affect any existing obligations of
 6 those entities;

7 (C) to apply to, or provide the Secretary of
 8 Homeland Security any authority over, any par-
 9 ticipating commercial mobile service provider; or

10 (D) to alter in any way the wireless emer-
 11 gency alert service created pursuant to the Warn-
 12 ing, Alert, and Response Network Act (47 U.S.C.
 13 1201 *et seq.*) or related orders of the Federal
 14 Communications Commission issued after the
 15 date of enactment of that Act.

16 (2) *PARTICIPATING COMMERCIAL MOBILE SERV-*
 17 *ICE PROVIDER DEFINED.*—For purposes of this sub-
 18 section, the term “participating commercial mobile
 19 service provider” has the same meaning as such term
 20 has in section 10.10(f) of title 47, Code of Federal
 21 Regulations, as in effect on the date of the enactment
 22 of this Act.

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

- 1 (1) *in paragraph (12), by striking “and” at the*
- 2 *end;*
- 3 (2) *by redesignating paragraph (13) as para-*
- 4 *graph (14); and*
- 5 (3) *by inserting after paragraph (12) the fol-*
- 6 *lowing new paragraph:*
- 7 “(13) *improving public alert and warning capa-*
- 8 *bilities; and”.*

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