

Union Calendar No. 496

112TH CONGRESS
2^D SESSION

H. R. 3563

[Report No. 112-685, 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

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.

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 2012”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

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

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

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

16 *(B) rapid alert dissemination;*

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

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

22 *(E) the ability to permit homeland security*
23 *grants to be utilized for the purposes of modern-*
24 *izing public alert and warning systems;*

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 modernize and improve the*
5 *ability of the Federal Government to provide residents*
6 *of the United States with timely and effective warn-*
7 *ings; and*

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 reliable, secure, and authentic dissemina-*
13 *tion of emergency alerts and warnings by Federal,*
14 *State, local, and tribal entities that are authorized to*
15 *issue alerts to the public.*

16 **SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARN-**
17 **ING SYSTEM MODERNIZATION.**

18 (a) *IN GENERAL.*—

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

22 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
23 **WARNING SYSTEM MODERNIZATION.**

24 “(a) *IN GENERAL.*—*In order to provide timely and ef-*
25 *fective warnings and disseminate homeland security infor-*

1 *mation and other information, the Secretary shall, consid-*
2 *ering the recommendations of the advisory committee estab-*
3 *lished under subsection (d), modernize and implement the*
4 *national integrated public alert and warning system (in*
5 *this section referred to as ‘the public alert and warning sys-*
6 *tem’).*

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

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

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

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

23 “(4) *ensure the conduct of training, tests, and ex-*
24 *ercises for the public alert and warning system, and*
25 *that the system is incorporated into other training*

1 *and exercise programs of the Department, as appro-*
2 *priate;*

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

10 “(6) *ensure that the public alert and warning*
11 *system uses the National Terrorism Advisory System,*
12 *including ensuring that the National Terrorism Advi-*
13 *sory System participates in tests of the public alert*
14 *and warning system;*

15 “(7) *conduct, at least once every 3 years, peri-*
16 *odic nationwide tests of the public alert and warning*
17 *system; and*

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

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

1 “(1) incorporates redundant and diverse modes
2 to disseminate homeland security information and
3 other information in warning messages to the public
4 so as to reach the greatest number of individuals;

5 “(2) can be adapted to incorporate future tech-
6 nologies;

7 “(3) is resilient, secure, and can withstand acts
8 of terrorism and other external attacks;

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

11 “(5) is designed to provide alerts that are acces-
12 sible to the largest portion of the affected population
13 feasible, including nonresident visitors and tourists
14 and individuals with disabilities and access and func-
15 tional needs;

16 “(6) is designed to improve the ability of remote
17 areas and areas with underdeveloped telecommuni-
18 cations infrastructure to receive alerts; and

19 “(7) includes mechanisms to ensure the protec-
20 tion of individual privacy.

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

23 “(1) *ESTABLISHMENT.*—Not later than 90 days
24 after the date of enactment of the *Integrated Public*
25 *Alert and Warning System Modernization Act of*

1 2012, the Secretary shall establish an advisory com-
2 mittee to be known as the Integrated Public Alert and
3 Warning System Advisory Committee (in this sub-
4 section referred to as the ‘Advisory Committee’).

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

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

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

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

16 “(D) The Under Secretary for Science and
17 Technology of the Department of Homeland Se-
18 curity.

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

22 “(F) The following members, to be ap-
23 pointed by the Secretary as soon as practicable
24 after the date of enactment of the Integrated

1 *Public Alert and Warning System Modernization*
2 *Act of 2012:*

3 “(i) *Representatives of State and local*
4 *governments, representatives of emergency*
5 *management agencies, representatives of*
6 *emergency response providers, and rep-*
7 *resentatives of emergency communication*
8 *providers, selected from among individuals*
9 *nominated by national organizations rep-*
10 *resenting governments and personnel.*

11 “(ii) *Representatives from federally*
12 *recognized Indian tribes and national In-*
13 *dian organizations.*

14 “(iii) *Individuals who have the req-*
15 *uisite technical knowledge and expertise to*
16 *serve on the Advisory Committee, including*
17 *representatives of—*

18 “(I) *communications service pro-*
19 *viders;*

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

24 “(III) *third-party service bureaus;*

25 “(IV) *the broadcasting industry;*

1 “(V) *the cellular industry;*

2 “(VI) *the cable industry;*

3 “(VII) *the satellite industry;*

4 “(VIII) *national organizations*
5 *representing individuals with disabil-*
6 *ities and access and functional needs,*
7 *and the elderly; and*

8 “(IX) *national organizations rep-*
9 *resenting educational institutions, in-*
10 *cluding higher education.*

11 “(iv) *Qualified representatives of such*
12 *other stakeholders and interested and af-*
13 *ected parties as the Secretary considers ap-*
14 *propriate.*

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

18 “(4) *MEETINGS.—*

19 “(A) *INITIAL MEETING.—The initial meet-*
20 *ing of the Advisory Committee shall take place*
21 *not later than 120 days after the date of enact-*
22 *ment of the Integrated Public Alert and Warning*
23 *System Modernization Act of 2012.*

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

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

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

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

19 “(A) *the Defense Advanced Research*
20 *Projects Agency;*

21 “(B) *entities engaged in federally funded re-*
22 *search; and*

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

1 “(7) *RECOMMENDATIONS.*—*The Advisory Com-*
2 *mittee shall develop and submit in the annual reports*
3 *under paragraph (8) recommendations for the con-*
4 *tinuation and improvement of an integrated public*
5 *alert and warning system, including—*

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

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

14 “(C) *recommendations for increasing par-*
15 *ticipation in the system, particularly among ele-*
16 *mentary, secondary, and higher education insti-*
17 *tutions; and*

18 “(D) *recommendations for improvements to*
19 *the system, including recommendations to pro-*
20 *vide for a public alert and warning system*
21 *that—*

22 “(i) *has the capability to adapt the*
23 *distribution and content of communications*
24 *on the basis of geographic location, risks,*
25 *multiple communication systems and tech-*

1 *nologies or personal user preferences, as ap-*
2 *propriate;*

3 *“(ii) has the capability to alert and*
4 *warn individuals with disabilities and ac-*
5 *cess and functional needs and individuals*
6 *with limited English proficiency;*

7 *“(iii) incorporates multiple commu-*
8 *nications technologies;*

9 *“(iv) is designed to adapt to, and in-*
10 *corporate, future technologies for commu-*
11 *nicating directly with the public;*

12 *“(v) encourages proper use by State*
13 *and local governments of the public alert*
14 *and warning system through training pro-*
15 *grams and other means;*

16 *“(vi) is designed to provide alerts to*
17 *the 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 *“(vii) promotes local and regional pub-*
22 *lic and private partnerships to enhance*
23 *community preparedness and response;*

24 *“(viii) promotes the participation of*
25 *representatives from underserved and*

1 *underrepresented communities, to ensure*
2 *that alerts and warnings reach such popu-*
3 *lations; and*

4 *“(ix) provides redundant alert mecha-*
5 *nisms where practicable so as to reach the*
6 *greatest number of people regardless of*
7 *whether they have access to, or utilize, any*
8 *specific medium of communication or any*
9 *particular device.*

10 *“(8) REPORT.—Not later than 1 year after the*
11 *date of enactment of the Integrated Public Alert and*
12 *Warning System Modernization Act of 2012, and*
13 *every year after, the Advisory Committee shall submit*
14 *to the Secretary a report containing the recommenda-*
15 *tions of the Advisory Committee.*

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

21 *“(e) REPORT.—Not later than 1 year after the date*
22 *on which the system established under subsection (a) is fully*
23 *functional and every six months thereafter, the Secretary*
24 *shall submit to the Committee on Homeland Security of the*
25 *House of Representatives and the Committee on Homeland*

1 *Security and Governmental Affairs of the Senate, a report*
2 *on the functionality and performance of the integrated pub-*
3 *lic alert and warning system, including—*

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

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

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

10 “(4) *information on the feasibility and effective-*
11 *ness of disseminating homeland security information*
12 *and other information, notices, and alerts prior to*
13 *and following an incident requiring use of the system.*

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

18 “(2) *CLERICAL AMENDMENT.—The table of con-*
19 *tents in section 1(b) of such Act is amended by add-*
20 *ing at the end of the items relating to such title the*
21 *following:*

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

22 “(b) *LIMITATION ON STATUTORY CONSTRUCTION.—*
23 *Nothing in this Act (including the amendment made by this*
24 *Act) shall be construed to affect the authority of the Depart-*
25 *ment of Commerce, the Federal Communications Commis-*

1 sion, or the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act.

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

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

8 (2) by redesignating paragraph (13) as para-
9 graph (14); and

10 (3) by inserting after paragraph (12) the fol-
11 lowing new paragraph:

12 “(13) improving public alert and warning capa-
13 bilities; and”.

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