

113TH CONGRESS
1ST SESSION

H. R. 3283

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

OCTOBER 10, 2013

Mr. BILIRAKIS 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

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 2013”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) numerous proven and tested technologies
4 exist to enable the Federal Government to enhance
5 its dissemination of public alerts and warnings;

6 (2) the expected benefits of these enhancements
7 include—

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

11 (B) rapid alert dissemination;

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

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

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

20 (4) there is a need to modernize and improve
21 the ability of the Federal Government to provide
22 residents of the United States with timely and effec-
23 tive warnings; and

24 (5) although significant Federal integration ef-
25 forts are underway, the aggregation, dissemination,
26 and reporting system necessary for effective public

1 alert and warning will require an integrated national
2 network for reliable, secure, and authentic dissemi-
3 nation of emergency alerts and warnings by Federal,
4 State, local, and tribal entities that are authorized to
5 issue alerts to the public.

6 **SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARN-**
7 **ING SYSTEM MODERNIZATION.**

8 (a) IN GENERAL.—

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

13 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
14 **WARNING SYSTEM MODERNIZATION.**

15 “(a) IN GENERAL.—In order to provide timely and
16 effective warnings and disseminate homeland security in-
17 formation and other information, the Secretary shall, con-
18 sidering the recommendations of the advisory committee
19 established under subsection (d), modernize and imple-
20 ment the national integrated public alert and warning sys-
21 tem (in this section referred to as ‘the public alert and
22 warning system’).

23 “(b) IMPLEMENTATION REQUIREMENTS.—In car-
24 rying out subsection (a), the Secretary shall—

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

5 “(2) include in the public alert and warning
6 system the capability to adapt the dissemination of
7 homeland security information and other informa-
8 tion and the content of communications on the basis
9 of geographic location, risks, or personal user pref-
10 erences, as appropriate;

11 “(3) include in the public alert and warning
12 system the capability to alert, warn, and provide the
13 equivalent amount of information to individuals with
14 disabilities and access and functional needs;

15 “(4) ensure the conduct of training, tests, and
16 exercises for the public alert and warning system,
17 and that the system is incorporated into other train-
18 ing and exercise programs of the Department, as ap-
19 propriate;

20 “(5) ensure that ongoing training, integrated
21 into the National Incident Management System, for
22 receiving and disseminating public alert and warning
23 system messages utilizing advanced technologies is
24 provided to State, local, tribal, and other homeland

1 security stakeholders involved in the transmission of
2 such messages;

3 “(6) ensure that the public alert and warning
4 system uses the National Terrorism Advisory Sys-
5 tem, including ensuring that the National Terrorism
6 Advisory System participates in tests of the public
7 alert and warning system;

8 “(7) conduct, at least once every 3 years, peri-
9 odic nationwide tests of the public alert and warning
10 system; and

11 “(8) consult, coordinate, and cooperate, to the
12 extent practicable, with other Federal agencies and
13 departments and with State, local, and tribal govern-
14 ments, the private sector, and other key stakeholders
15 to leverage existing alert and warning capabilities.

16 “(c) SYSTEM REQUIREMENTS.—The Secretary shall
17 ensure that the system—

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

22 “(2) can be adapted to incorporate future tech-
23 nologies;

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

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

3 “(5) is designed to provide alerts that are ac-
4 cessible to the largest portion of the affected popu-
5 lation feasible, including nonresident visitors and
6 tourists and individuals with disabilities and access
7 and functional needs;

8 “(6) is designed to improve the ability of re-
9 mote areas and areas with underdeveloped tele-
10 communications infrastructure to receive alerts; and

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

13 “(d) INTEGRATED PUBLIC ALERT AND WARNING
14 SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

15 “(1) ESTABLISHMENT.—Not later than 90 days
16 after the date of enactment of the Integrated Public
17 Alert and Warning System Modernization Act of
18 2013, the Secretary shall establish an advisory com-
19 mittee to be known as the Integrated Public Alert
20 and Warning System Advisory Committee (in this
21 subsection referred to as the ‘Advisory Committee’).

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

1 “(A) The Chairman of the Federal Com-
2 munications Commission (or the Chairman’s
3 designee).

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

7 “(C) The Assistant Secretary for Commu-
8 nications and Information of the Department of
9 Commerce (or the Assistant Secretary’s des-
10 ignee).

11 “(D) The Under Secretary for Science and
12 Technology of the Department of Homeland Se-
13 curity.

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

17 “(F) The following members, to be ap-
18 pointed by the Secretary as soon as practicable
19 after the date of enactment of the Integrated
20 Public Alert and Warning System Moderniza-
21 tion Act of 2013:

22 “(i) Representatives of State and local
23 governments, representatives of emergency
24 management agencies, representatives of
25 emergency response providers, and rep-

1 representatives of emergency communication
2 providers, selected from among individuals
3 nominated by national organizations rep-
4 resenting governments and personnel.

5 “(ii) Representatives from federally
6 recognized Indian tribes and national In-
7 dian organizations.

8 “(iii) Individuals who have the req-
9 uisite technical knowledge and expertise to
10 serve on the Advisory Committee, including
11 representatives of—

12 “(I) communications service pro-
13 viders;

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

18 “(III) third-party service bu-
19 reaus;

20 “(IV) the broadcasting industry;

21 “(V) the cellular industry;

22 “(VI) the cable industry;

23 “(VII) the satellite industry;

24 “(VIII) national organizations
25 representing individuals with disabil-

1 ities and access and functional needs,
2 and the elderly; and

3 “(IX) national organizations rep-
4 resenting educational institutions, in-
5 cluding higher education.

6 “(iv) Qualified representatives of such
7 other stakeholders and interested and af-
8 fected parties as the Secretary considers
9 appropriate.

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

13 “(4) MEETINGS.—

14 “(A) INITIAL MEETING.—The initial meet-
15 ing of the Advisory Committee shall take place
16 not later than 120 days after the date of enact-
17 ment of the Integrated Public Alert and Warn-
18 ing System Modernization Act of 2013.

19 “(B) OTHER MEETINGS.—After the initial
20 meeting, the Advisory Committee shall meet, at
21 least annually, at the call of the Chairperson.

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

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

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

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

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

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

18 “(7) RECOMMENDATIONS.—The Advisory Com-
19 mittee shall develop and submit in the annual re-
20 ports under paragraph (8) recommendations for the
21 continuation and improvement of an integrated pub-
22 lic alert and warning system, including—

23 “(A) recommendations for common alert-
24 ing and warning protocols, standards, termi-

1 nology, and operating procedures for the public
2 alert and warning system;

3 “(B) an assessment of the accomplish-
4 ments and deficiencies of the public alert and
5 warning system, as well as the impact on cur-
6 rent alert and warning systems;

7 “(C) recommendations for increasing par-
8 ticipation in the system, particularly among ele-
9 mentary, secondary, and higher education insti-
10 tutions; and

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

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

21 “(ii) has the capability to alert and
22 warn individuals with disabilities and ac-
23 cess and functional needs and individuals
24 with limited English proficiency;

1 “(iii) incorporates multiple commu-
2 nications technologies;

3 “(iv) is designed to adapt to, and in-
4 corporate, future technologies for commu-
5 nicating directly with the public;

6 “(v) encourages proper use by State
7 and local governments of the public alert
8 and warning system through training pro-
9 grams and other means;

10 “(vi) is designed to provide alerts to
11 the largest portion of the affected popu-
12 lation feasible, including nonresident visi-
13 tors and tourists, and improve the ability
14 of remote areas to receive alerts;

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

18 “(viii) promotes the participation of
19 representatives from underserved and
20 underrepresented communities, to ensure
21 that alerts and warnings reach such popu-
22 lations; and

23 “(ix) provides redundant alert mecha-
24 nisms where practicable so as to reach the
25 greatest number of people regardless of

1 whether they have access to, or utilize, any
2 specific medium of communication or any
3 particular device.

4 “(8) REPORT.—Not later than 1 year after the
5 date of enactment of the Integrated Public Alert and
6 Warning System Modernization Act of 2013, and
7 every year after, the Advisory Committee shall sub-
8 mit to the Secretary a report containing the rec-
9 ommendations of the Advisory Committee.

10 “(9) FEDERAL ADVISORY COMMITTEE ACT.—
11 Neither the Federal Advisory Committee Act (5
12 U.S.C. App.) nor any rule, order, or regulation pro-
13 mulgated under that Act shall apply to the Advisory
14 Committee.

15 “(e) REPORT.—Not later than 1 year after the date
16 on which the system established under subsection (a) is
17 fully functional and every six months thereafter, the Sec-
18 retary shall submit to the Committee on Homeland Secu-
19 rity of the House of Representatives and the Committee
20 on Homeland Security and Governmental Affairs of the
21 Senate, a report on the functionality and performance of
22 the integrated public alert and warning system, includ-
23 ing—

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

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

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

5 “(4) information on the feasibility and effective-
6 ness of disseminating homeland security information
7 and other information, notices, and alerts prior to
8 and following an incident requiring use of the sys-
9 tem.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to the Secretary to carry
12 out this section \$13,400,000 for each of fiscal years 2014
13 and 2015.”.

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

“Sec. 526. National integrated public alert and warning system moderniza-
tion.”.

18 (b) LIMITATION ON STATUTORY CONSTRUCTION.—

19 (1) IN GENERAL.—Nothing in this Act (includ-
20 ing the amendment made by this Act) shall be con-
21 strued—

22 (A) to affect the authority of the Depart-
23 ment of Commerce, the authority of the Federal
24 Communications Commission, or the Robert T.

1 Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5121 et seq.);

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

9 (C) to apply to, or provide the Adminis-
10 trator of the Federal Emergency Management
11 Agency any authority over, any participating
12 commercial mobile service provider.

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

20 (c) HOMELAND SECURITY GRANTS.—Section
21 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
22 609(a)) is amended—

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

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

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

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

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