

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.

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## 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

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## 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”.

○