

**Suspend the Rules and Pass the Bill, H. R. 3563, With an  
Amendment**

**(The amendment strikes all after the enacting clause and inserts a  
new text)**

112TH CONGRESS  
2ND SESSION

# H. R. 3563

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

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

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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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) numerous proven and tested technologies  
7 exist to enable the Federal Government to enhance  
8 its dissemination of public alerts and warnings;

9 (2) the expected benefits of these enhancements  
10 include—

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

14 (B) rapid alert dissemination;

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

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

20 (E) the ability to permit homeland security  
21 grants to be utilized for the purposes of mod-  
22 ernizing public alert and warning systems;

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

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

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

13 **SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARN-**  
14 **ING SYSTEM MODERNIZATION.**

15          (a) IN GENERAL.—

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

20 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**  
21 **WARNING SYSTEM MODERNIZATION.**

22          “(a) IN GENERAL.—In order to provide timely and  
23          effective warnings and disseminate homeland security in-  
24          formation and other information, the Secretary shall, con-  
25          sidering the recommendations of the advisory committee

1 established under subsection (d), modernize and imple-  
2 ment the national integrated public alert and warning sys-  
3 tem (in this section referred to as ‘the public alert and  
4 warning system’).

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

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

11 “(2) include in the public alert and warning  
12 system the capability to adapt the dissemination of  
13 homeland security information and other informa-  
14 tion and the content of communications on the basis  
15 of geographic location, risks, or personal user pref-  
16 erences, as appropriate;

17 “(3) include in the public alert and warning  
18 system the capability to alert, warn, and provide the  
19 equivalent amount of information to individuals with  
20 disabilities and access and functional needs;

21 “(4) ensure the conduct of training, tests, and  
22 exercises for the public alert and warning system,  
23 and that the system is incorporated into other train-  
24 ing and exercise programs of the Department, as ap-  
25 propriate;

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

8           “(6) ensure that the public alert and warning  
9           system uses the National Terrorism Advisory Sys-  
10          tem, including ensuring that the National Terrorism  
11          Advisory System participates in tests of the public  
12          alert and warning system;

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

16          “(8) consult, coordinate, and cooperate, to the  
17          extent practicable, with other Federal agencies and  
18          departments and with State, local, and tribal govern-  
19          ments, the private sector, and other key stakeholders  
20          to leverage existing alert and warning capabilities.

21          “(c) SYSTEM REQUIREMENTS.—The Secretary shall  
22          ensure that the system—

23                 “(1) incorporates redundant and diverse modes  
24                 to disseminate homeland security information and

1 other information in warning messages to the public  
2 so as to reach the greatest number of individuals;

3 “(2) can be adapted to incorporate future tech-  
4 nologies;

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

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

9 “(5) is designed to provide alerts that are ac-  
10 cessible to the largest portion of the affected popu-  
11 lation feasible, including nonresident visitors and  
12 tourists and individuals with disabilities and access  
13 and functional needs;

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

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

19 “(d) INTEGRATED PUBLIC ALERT AND WARNING  
20 SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

21 “(1) ESTABLISHMENT.—Not later than 90 days  
22 after the date of enactment of the Integrated Public  
23 Alert and Warning System Modernization Act of  
24 2012, the Secretary shall establish an advisory com-  
25 mittee to be known as the Integrated Public Alert

1 and Warning System Advisory Committee (in this  
2 subsection referred to as the ‘Advisory Committee’).

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

5 “(A) The Chairman of the Federal Com-  
6 munications Commission (or the Chairman’s  
7 designee).

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

11 “(C) The Assistant Secretary for Commu-  
12 nications and Information of the Department of  
13 Commerce (or the Assistant Secretary’s des-  
14 igned).

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

18 “(E) The Director of the Office of Dis-  
19 ability Integration and Coordination of the Fed-  
20 eral Emergency Management Agency.

21 “(F) The following members, to be ap-  
22 pointed by the Secretary as soon as practicable  
23 after the date of enactment of the Integrated  
24 Public Alert and Warning System Moderniza-  
25 tion Act of 2012:

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

9           “(ii) Representatives from federally  
10 recognized Indian tribes and national In-  
11 dian organizations.

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

16                   “(I) communications service pro-  
17 viders;

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

22                   “(III) third-party service bu-  
23 reaus;

24                   “(IV) the broadcasting industry;

25                   “(V) the cellular industry;



1 “(VI) the cable industry;

2 “(VII) the satellite industry;

3 “(VIII) national organizations  
4 representing individuals with disabili-  
5 ties and access and functional needs,  
6 and the elderly; and

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

10 “(iv) Qualified representatives of such  
11 other stakeholders and interested and af-  
12 fected parties as the Secretary considers  
13 appropriate.

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

17 “(4) MEETINGS.—

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

23 “(B) OTHER MEETINGS.—After the initial  
24 meeting, the Advisory Committee shall meet, at  
25 least annually, at the call of the Chairperson.

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

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

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

16                 “(A) the Defense Advanced Research  
17                 Projects Agency;

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

20                 “(C) academic institutions engaged in rel-  
21                 evant work and research.

22           “(7) RECOMMENDATIONS.—The Advisory Com-  
23           mittee shall develop and submit in the annual re-  
24           ports under paragraph (8) recommendations for the

1 continuation and improvement of an integrated pub-  
2 lic alert and warning system, including—

3 “(A) recommendations for common alert-  
4 ing and warning protocols, standards, termi-  
5 nology, and operating procedures for the public  
6 alert and warning system;

7 “(B) an assessment of the accomplish-  
8 ments and deficiencies of the public alert and  
9 warning system, as well as the impact on cur-  
10 rent alert and warning systems;

11 “(C) recommendations for increasing par-  
12 ticipation in the system, particularly among ele-  
13 mentary, secondary, and higher education insti-  
14 tutions; and

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

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

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

5           “(iii) incorporates multiple commu-  
6 nications technologies;

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

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

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

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

22          “(viii) promotes the participation of  
23 representatives from underserved and  
24 underrepresented communities, to ensure

1           that alerts and warnings reach such popu-  
2           lations; and

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

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

15                  “(9) FEDERAL ADVISORY COMMITTEE ACT.—  
16                  Neither the Federal Advisory Committee Act (5  
17                  U.S.C. App.) nor any rule, order, or regulation pro-  
18                  mulgated under that Act shall apply to the Advisory  
19                  Committee.

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

1 Senate, a report on the functionality and performance of  
2 the integrated public alert and warning system, includ-  
3 ing—

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 sys-  
14 tem.

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

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

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

23 (b) LIMITATION ON EFFECT ON OTHER LAW.—  
24 Nothing in this Act, including the amendments made by

1 this Act, shall be construed to affect the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act (42  
3 U.S.C. 5121 et seq.).

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

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

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

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

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

15 (d) LIMITATION ON AUTHORITY AND EFFECT ON OB-  
16 LIGATIONS.—Nothing in this Act shall be construed—

17 (1) to provide the Secretary of Homeland Secu-  
18 rity authority to require any action by the Federal  
19 Communications Commission, the Department of  
20 Commerce, or any nongovernment entity; or

21 (2) to affect any existing obligations of the Fed-  
22 eral Communications Commission, the Department  
23 of Commerce, or any nongovernment entity.