

114TH CONGRESS
1ST SESSION

H. R. 1738

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

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

9 (A) greater security, effectiveness, reli-
10 ability, integration, flexibility, comprehensive-
11 ness, and redundancy of the Federal Govern-
12 ment's alert and warning capabilities;

13 (B) rapid alert dissemination;

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

16 (D) an improved ability to notify individ-
17 uals with disabilities; and

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

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

24 (4) there is a need to update, modernize, and
25 improve the ability of the Federal Government to

1 provide residents of the United States with timely
2 and effective warnings;

3 (5) although significant Federal integration ef-
4 forts are underway, the aggregation, dissemination,
5 and reporting system necessary for effective public
6 alert and warning will require an integrated national
7 network for flexible, reliable, secure, and authenti-
8 cated dissemination of emergency alerts and warn-
9 ings by Federal, State, local, and tribal entities that
10 are authorized to issue alerts to the public;

11 (6) there is a need to ensure that alerts and
12 warnings are accessible to people with disabilities,
13 particularly with sensory disabilities; and

14 (7) States and urban areas should be allowed to
15 utilize homeland security grants for the purposes of
16 updating and modernizing public alert and warning
17 capabilities.

18 **SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARN-**
19 **ING SYSTEM MODERNIZATION.**

20 (a) IN GENERAL.—

21 (1) AMENDMENT.—Title V of the Homeland
22 Security Act of 2002 (6 U.S.C. 311 et seq.) is
23 amended by adding at the end of the following new
24 section:

1 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
2 **WARNING SYSTEM MODERNIZATION.**

3 “(a) IN GENERAL.—In order to provide timely and
4 effective warnings and disseminate homeland security in-
5 formation and other information, the Secretary shall, con-
6 sidering the recommendations of the advisory committee
7 established under subsection (d), update, modernize, and
8 implement the national integrated public alert and warn-
9 ing system.

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

12 “(1) establish or adapt, as appropriate, common
13 alerting and warning protocols, standards, termi-
14 nology, and operating procedures for the integrated
15 public alert and warning system;

16 “(2) include in the integrated public alert and
17 warning system the capability to adapt the dissemi-
18 nation of homeland security information and other
19 information, and the content of communications, on
20 the basis of geographic location, risks, and multiple
21 communications systems and technologies, as appro-
22 priate;

23 “(3) to the extent technically feasible, include in
24 the national integrated public alert and warning sys-
25 tem the capability to alert, warn, and provide the
26 equivalent amount of information to—

1 “(A) individuals with limited English pro-
2 ficiency skills;

3 “(B) individuals with disabilities, particu-
4 larly sensory disabilities; and

5 “(C) individuals with other access or func-
6 tional needs;

7 “(4) ensure training, tests, and exercises for the
8 integrated public alert and warning system, and that
9 the system is incorporated into other training and
10 exercise programs of the Department, as appro-
11 priate;

12 “(5) ensure that a comprehensive and periodic
13 training program, consistent with the principles of,
14 and integrated with, the National Incident Manage-
15 ment System and in support of the National Pre-
16 paredness System, for receiving and disseminating
17 the integrated public alert and warning system mes-
18 sages utilizing advanced technologies is provided to
19 State, local, tribal, and other homeland security
20 stakeholders involved in the transmission of such
21 messages;

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

1 “(7) consult, coordinate, and cooperate, to the
2 extent practicable, with other Federal agencies and
3 departments and with State, local, and tribal govern-
4 ments, the private sector, and other key stakeholders
5 to leverage existing alert and warning capabilities.

6 “(c) SYSTEM REQUIREMENTS.—The Secretary shall
7 ensure that the system—

8 “(1) incorporates redundant, diverse modes to
9 disseminate homeland security information and
10 other information in warning messages to the public
11 so as to reach the greatest number of individuals in
12 the intended area or location;

13 “(2) can be adapted to incorporate emerging
14 and future technologies, including social media;

15 “(3) is reliable, resilient, and secure, and can
16 withstand acts of terrorism, hazards, and other ex-
17 ternal attacks or dangers;

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

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

22 “(6) to the extent technically feasible, is de-
23 signed to provide alerts that are accessible to the
24 largest portion of the affected population, including
25 nonresident visitors and tourists, individuals with

1 limited English proficiency skills, and individuals
2 with disabilities, particularly sensory disabilities, or
3 other access or functional needs; and

4 “(7) is designed to improve the ability of af-
5 fected populations in remote areas and areas with
6 underdeveloped telecommunications infrastructure to
7 receive alerts.

8 “(d) PRIVACY PROTECTION.—The Secretary, in con-
9 sultation with the Department’s Chief Privacy Officer,
10 shall produce a Privacy Impact Assessment every 5 years
11 to evaluate whether the technology of the national inte-
12 grated public alert and warning system has implications
13 on the privacy rights of citizens of the United States.

14 “(e) INTEGRATED PUBLIC ALERT AND WARNING
15 SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

16 “(1) ESTABLISHMENT.—Not later than 90 days
17 after the date of enactment of the Integrated Public
18 Alert and Warning System Modernization Act of
19 2015, the Secretary shall establish an advisory com-
20 mittee to be known as the Integrated Public Alert
21 and Warning System Advisory Committee (in this
22 subsection referred to as the ‘Advisory Committee’).

23 “(2) MEMBERSHIP.—The Advisory Committee
24 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 Director of the United States
12 Geological Survey (or the Director’s designee).

13 “(E) The Under Secretary for Science and
14 Technology of the Department of Homeland Se-
15 curity (or the Under Secretary’s designee).

16 “(F) The Under Secretary for Cybersecu-
17 rity and Communications of the Department of
18 Homeland Security National Protection and
19 Programs Directorate.

20 “(G) The Director of the Office of Dis-
21 ability Integration and Coordination of the Fed-
22 eral Emergency Management Agency.

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

1 Public Alert and Warning System Moderniza-
2 tion Act of 2015 for a term established by the
3 Secretary that does not exceed 5 years:

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

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

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

19 “(I) communications service pro-
20 viders;

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

25 “(III) the broadcasting industry;

1 “(IV) the commercial mobile
2 radio service industry;

3 “(V) the cable industry;

4 “(VI) the satellite industry;

5 “(VII) consumer or privacy advo-
6 cates;

7 “(VIII) national organizations
8 representing individuals with disabil-
9 ities and access and functional needs;

10 “(IX) national organizations rep-
11 resenting the elderly; and

12 “(X) national organizations rep-
13 resenting educational institutions, in-
14 cluding higher education.

15 “(iv) Qualified representatives of such
16 other stakeholders and interested and af-
17 fected parties as the Secretary considers
18 appropriate.

19 “(3) CHAIRPERSON.—The Secretary (or the
20 Secretary’s designee) shall serve as the Chairperson
21 of the Advisory Committee.

22 “(4) MEETINGS.—

23 “(A) INITIAL MEETING.—The initial meet-
24 ing of the Advisory Committee shall take place
25 not later than 150 days after the date of enact-

1 ment of the Integrated Public Alert and Warn-
2 ing System Modernization Act of 2015.

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

6 “(C) NOTICE; OPEN MEETINGS.—Meetings
7 held by the Advisory Committee shall be duly
8 noticed at least 14 days in advance and shall be
9 open to the public.

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

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

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

22 “(B) entities engaged in federally funded
23 research; and

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

1 “(7) RECOMMENDATIONS.—The Advisory Com-
2 mittee may 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 alert-
7 ing and warning protocols, standards, termi-
8 nology, and operating procedures for such sys-
9 tem;

10 “(B) an assessment of the accomplish-
11 ments and deficiencies of such system, includ-
12 ing its accessibility for individuals with disabil-
13 ities, and the impact on current alert and warn-
14 ing systems;

15 “(C) recommendations for increasing par-
16 ticipation in such system, particularly among el-
17 ementary, secondary, and higher education in-
18 stitutions; and

19 “(D) recommendations for improvements
20 to such system, including recommendations to
21 provide for a public alert and warning system
22 that—

23 “(i) has the capability to adapt the
24 distribution and content of communications
25 on the basis of geographic location, risks,

1 multiple communication systems and tech-
2 nologies, as appropriate;

3 “(ii) has the capability to alert and
4 warn individuals with disabilities, particu-
5 larly sensory disabilities, or access or func-
6 tional needs, and individuals with limited
7 English proficiency;

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

10 “(iv) is designed to adapt to, and in-
11 corporate, emerging and future tech-
12 nologies for communicating directly with
13 the public;

14 “(v) is hardened and resilient, to the
15 greatest extent practicable, with respect to
16 cyber attacks;

17 “(vi) encourages proper use by State
18 and local governments of such system
19 through training programs and other
20 means;

21 “(vii) is designed to provide alerts to
22 the largest portion of the affected popu-
23 lation feasible, including nonresident visi-
24 tors and tourists, and improve the ability
25 of remote areas to receive alerts;

1 “(viii) promotes local and regional
2 public and private partnerships to enhance
3 community preparedness and response;

4 “(ix) promotes the participation of
5 representatives from underserved and
6 underrepresented communities, to ensure
7 that alerts and warnings reach such popu-
8 lations; and

9 “(x) provides redundant alert mecha-
10 nisms where practicable so as to reach the
11 greatest number of people regardless of
12 whether they have access to, or utilize, any
13 specific medium of communication or any
14 particular device.

15 “(8) REPORT.—Not later than 1 year after the
16 date of enactment of the Integrated Public Alert and
17 Warning System Modernization Act of 2015, and
18 every year thereafter, the Advisory Committee shall
19 submit to the Secretary a report containing the rec-
20 ommendations of the Advisory Committee.

21 “(9) FEDERAL ADVISORY COMMITTEE ACT.—
22 Neither the Federal Advisory Committee Act (5
23 U.S.C. App.) nor any rule, order, or regulation pro-
24 mulgated under that Act shall apply to the Advisory
25 Committee.

1 “(f) REPORT.—Not later than 1 year after the date
2 of the establishment of the Advisory Committee, and every
3 year thereafter, the Secretary shall submit to the Com-
4 mittee on Homeland Security and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate, a report on the
8 functionality and performance of such system, including—

9 “(1) the recommendations of the most recent
10 Advisory Committee report under subsection (e)(8),
11 what recommendations under subsection (e)(8) the
12 Secretary has implemented to modernize the public
13 alert and warning system, and if any such rec-
14 ommendations identified under subsection (e)(8)
15 were not implemented, why the Secretary chose not
16 to implement such recommendations;

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

19 “(3) an assessment of the cybersecurity of the
20 system, including any relevant vulnerability assess-
21 ments;

22 “(4) recommendations based on lessons learned
23 during events in which the system was utilized;

24 “(5) recommendations for improvements to the
25 system;

1 “(6) information on the feasibility and effective-
2 ness of disseminating homeland security information
3 and other information, notices, and alerts prior to
4 and following an incident requiring use of the sys-
5 tem; and

6 “(7) information on any innovations in or
7 changes to the national integrated public alert and
8 warning system that result in the collection of per-
9 sonally identifiable information.

10 “(g) COMPATIBLE MOBILE DEVICES.—The Secretary
11 shall—

12 “(1) make available to the public, through the
13 Internet and other appropriate means, a list of mo-
14 bile devices that are capable of receiving warnings
15 and alerts disseminated through the national inte-
16 grated public alert and warning system; and

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

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the Secretary to carry
21 out this section \$13,400,000 for each of fiscal years 2016,
22 2017, and 2018.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents in section 1(b) of such Act is amended by add-

1 ing at the end of the items relating to such title the
2 following:

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

3 (b) LIMITATION ON STATUTORY CONSTRUCTION.—

4 (1) IN GENERAL.—Nothing in this Act (includ-
5 ing the amendments made by this Act) shall be con-
6 strued—

7 (A) to affect the authority of the Depart-
8 ment of Commerce, the authority of the Federal
9 Communications Commission, or the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5121 et seq.);

12 (B) to provide the Secretary of Homeland
13 Security authority to require any action by the
14 Federal Communications Commission, the De-
15 partment of Commerce, or any nongovernment
16 entity, or to affect any existing obligations of
17 those entities;

18 (C) to apply to, or provide the Secretary of
19 Homeland Security any authority over, any par-
20 ticipating commercial mobile service provider;
21 or

22 (D) to alter in any way the wireless emer-
23 gency alert service created pursuant to the
24 Warning, Alert, and Response Network Act (47

1 U.S.C. 1201 et seq.) or related orders of the
2 Federal Communications Commission issued
3 after the date of enactment of that Act.

4 (2) PARTICIPATING COMMERCIAL MOBILE SERV-
5 ICE PROVIDER DEFINED.—For purposes of this sub-
6 section, the term “participating commercial mobile
7 service provider” has the same meaning as such
8 term has in section 10.10(f) of title 47, Code of
9 Federal Regulations, as in effect on the date of the
10 enactment of this Act.

11 (c) HOMELAND SECURITY GRANTS.—Section
12 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
13 609(a)) is amended—

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

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

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

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

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