

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3283
OFFERED BY MRS. BROOKS OF INDIANA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Integrated Public Alert
3 and Warning System Modernization Act of 2014”.

4 SEC. 2. FINDINGS.

5 Congress finds that—

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

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

12 (A) greater security, effectiveness, reli-
13 ability, integration, flexibility, comprehensive-
14 ness, and redundancy of the Federal Govern-
15 ment’s alert and warning capabilities;

16 (B) rapid alert dissemination;

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

1 (D) an improved ability to notify individ-
2 uals with disabilities; and

3 (E) the ability to geographically target and
4 deliver alerts and warnings through multiple
5 communication modes;

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

9 (4) there is a need to update, modernize, and
10 improve the ability of the Federal Government to
11 provide residents of the United States with timely
12 and effective warnings;

13 (5) although significant Federal integration ef-
14 forts are underway, the aggregation, dissemination,
15 and reporting system necessary for effective public
16 alert and warning will require an integrated national
17 network for flexible, reliable, secure, and authenti-
18 cated dissemination of emergency alerts and warn-
19 ings by Federal, State, local, and tribal entities that
20 are authorized to issue alerts to the public;

21 (6) there is a need to ensure that alerts and
22 warnings are accessible to people with disabilities,
23 particularly with sensory disabilities; and

24 (7) States and urban areas should be allowed to
25 utilize homeland security grants for the purposes of

1 updating and modernizing public alert and warning
2 capabilities.

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

5 (a) IN GENERAL.—

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

10 **“SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
11 **WARNING SYSTEM MODERNIZATION.**

12 “(a) IN GENERAL.—In order to provide timely and
13 effective warnings and disseminate homeland security in-
14 formation and other information, the Secretary shall, con-
15 sidering the recommendations of the advisory committee
16 established under subsection (d), update, modernize, and
17 implement the national integrated public alert and warn-
18 ing system.

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

21 “(1) ensure that under all conditions the Presi-
22 dent is able to alert and warn governmental authori-
23 ties and the civilian population in areas endangered
24 by an act of terrorism, a natural disaster, war, other

1 man-made disasters, or other hazards to public safe-
2 ty;

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

7 “(3) include in the integrated public alert and
8 warning system the capability to adapt the dissemi-
9 nation of homeland security information and other
10 information, and the content of communications, on
11 the basis of geographic location, risks, and multiple
12 communications systems and technologies, as appro-
13 priate;

14 “(4) include in the integrated public alert and
15 warning system the capability to alert, warn, and
16 provide the equivalent amount of information to in-
17 dividuals with disabilities, particularly sensory dis-
18 abilities, or other access or functional needs;

19 “(5) ensure training, tests, and exercises for the
20 integrated public alert and warning system, and that
21 the system is incorporated into other training and
22 exercise programs of the Department, as appro-
23 priate;

24 “(6) ensure that a comprehensive and periodic
25 training program, consistent with the principles of,

1 and integrated with, the National Incident Manage-
2 ment System and in support of the National Pre-
3 paredness System, for receiving and disseminating
4 the integrated public alert and warning system mes-
5 sages utilizing advanced technologies is provided to
6 State, local, tribal, and other homeland security
7 stakeholders involved in the transmission of such
8 messages;

9 “(7) conduct periodic nationwide tests of the in-
10 tegrated public alert and warning system, at least
11 once every 5 years; and

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

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

19 “(1) incorporates redundant, diverse modes to
20 disseminate homeland security information and
21 other information in warning messages to the public
22 so as to reach the greatest number of individuals in
23 the intended area or location;

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

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

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

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

8 “(6) to the extent technically feasible, is de-
9 signed to provide alerts that are accessible to the
10 largest portion of the affected population, including
11 nonresident visitors and tourists and individuals
12 with disabilities, particularly sensory disabilities, or
13 other access or functional needs;

14 “(7) is designed to improve the ability of af-
15 fected populations in remote areas and areas with
16 underdeveloped telecommunications infrastructure to
17 receive alerts; and

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

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

22 “(1) ESTABLISHMENT.—Not later than 90 days
23 after the date of enactment of the Integrated Public
24 Alert and Warning System Modernization Act of
25 2014, the Secretary shall establish an advisory com-

1 mittee to be known as the Integrated Public Alert
2 and Warning System Advisory Committee (in this
3 subsection referred to as the ‘Advisory Committee’).

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

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

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

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

16 “(D) The Director of the United States
17 Geological Survey (or the Director’s designee).

18 “(E) The Under Secretary for Science and
19 Technology of the Department of Homeland Se-
20 curity (or the Under Secretary’s designee).

21 “(F) The Under Secretary for
22 Cybersecurity and Communications of the De-
23 partment of Homeland Security National Pro-
24 tection and Programs Directorate.

1 “(G) The Director of the Office of Dis-
2 ability Integration and Coordination of the Fed-
3 eral Emergency Management Agency.

4 “(H) The following members, to be ap-
5 pointed by the Secretary as soon as practicable
6 after the date of enactment of the Integrated
7 Public Alert and Warning System Moderniza-
8 tion Act of 2014 for a term established by the
9 Secretary that does not exceed 5 years:

10 “(i) Representatives of State and local
11 governments, representatives of emergency
12 management agencies, representatives of
13 emergency response providers, and rep-
14 resentatives of emergency communications
15 providers, selected from among individuals
16 nominated by national organizations rep-
17 resenting governments and personnel.

18 “(ii) Representatives from federally
19 recognized Indian tribes and national In-
20 dian organizations.

21 “(iii) Individuals who have the req-
22 uisite technical knowledge and expertise to
23 serve on the Advisory Committee, including
24 representatives of—

1 “(I) communications service pro-
2 viders;

3 “(II) vendors, developers, and
4 manufacturers of systems, facilities,
5 equipment, and capabilities for the
6 provision of communications services;

7 “(III) the broadcasting industry;

8 “(V) the commercial mobile radio
9 service industry;

10 “(VI) the cable industry;

11 “(VII) the satellite industry;

12 “(VIII) consumer or privacy ad-
13 vocates;

14 “(IX) national organizations rep-
15 resenting individuals with disabilities
16 and access and functional needs;

17 “(X) national organizations rep-
18 resenting the elderly; and

19 “(XI) national organizations rep-
20 resenting educational institutions, in-
21 cluding higher education.

22 “(iv) Qualified representatives of such
23 other stakeholders and interested and af-
24 fected parties as the Secretary considers
25 appropriate.

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

4 “(4) MEETINGS.—

5 “(A) INITIAL MEETING.—The initial meet-
6 ing of the Advisory Committee shall take place
7 not later than 150 days after the date of enact-
8 ment of the Integrated Public Alert and Warn-
9 ing System Modernization Act of 2014.

10 “(B) OTHER MEETINGS.—After the initial
11 meeting, the Advisory Committee shall meet, at
12 least annually, at the call of the Chairperson.

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

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

20 “(6) CONSULTATION WITH NONMEMBERS.—The
21 Advisory Committee and the program office for the
22 integrated public alert and warning system of the
23 United States shall regularly meet with groups that
24 are not represented on the Advisory Committee to

1 consider new and developing technology that may be
2 beneficial to such system, such as—

3 “(A) the Defense Advanced Research
4 Projects Agency;

5 “(B) entities engaged in federally funded
6 research; and

7 “(C) academic institutions engaged in rel-
8 evant work and research.

9 “(7) RECOMMENDATIONS.—The Advisory Com-
10 mittee may develop and submit in the annual reports
11 under paragraph (8) recommendations for the con-
12 tinuation and improvement of an integrated public
13 alert and warning system, including—

14 “(A) recommendations for common alert-
15 ing and warning protocols, standards, termi-
16 nology, and operating procedures for such sys-
17 tem;

18 “(B) an assessment of the accomplish-
19 ments and deficiencies of such system, includ-
20 ing its accessibility for individuals with disabil-
21 ities, and the impact on current alert and warn-
22 ing systems;

23 “(C) recommendations for increasing par-
24 ticipation in such system, particularly among el-

1 elementary, secondary, and higher education in-
2 stitutions; and

3 “(D) recommendations for improvements
4 to such system, including recommendations to
5 provide for a public alert and warning system
6 that—

7 “(i) has the capability to adapt the
8 distribution and content of communications
9 on the basis of geographic location, risks,
10 multiple communication systems and tech-
11 nologies, as appropriate;

12 “(ii) has the capability to alert and
13 warn individuals with disabilities, particu-
14 larly sensory disabilities, or access or func-
15 tional needs, and individuals with limited
16 English proficiency;

17 “(iii) incorporates multiple commu-
18 nications technologies;

19 “(iv) is designed to adapt to, and in-
20 corporate, emerging and future tech-
21 nologies for communicating directly with
22 the public;

23 “(v) is hardened and resilient, to the
24 greatest extent practicable, with respect to
25 cyber attacks;

1 “(vi) encourages proper use by State
2 and local governments of such system
3 through training programs and other
4 means;

5 “(vii) is designed to provide alerts to
6 the largest portion of the affected popu-
7 lation feasible, including nonresident visi-
8 tors and tourists, and improve the ability
9 of remote areas to receive alerts;

10 “(viii) promotes local and regional
11 public and private partnerships to enhance
12 community preparedness and response;

13 “(ix) promotes the participation of
14 representatives from underserved and
15 underrepresented communities, to ensure
16 that alerts and warnings reach such popu-
17 lations; and

18 “(x) provides redundant alert mecha-
19 nisms where practicable so as to reach the
20 greatest number of people regardless of
21 whether they have access to, or utilize, any
22 specific medium of communication or any
23 particular device.

24 “(8) REPORT.—Not later than 1 year after the
25 date of enactment of the Integrated Public Alert and

1 Warning System Modernization Act of 2014, and
2 every year thereafter, the Advisory Committee shall
3 submit to the Secretary a report containing the rec-
4 ommendations of the Advisory Committee.

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

10 “(e) REPORT.—Not later than 1 year after the date
11 of the establishment of the Advisory Committee, and every
12 year thereafter, the Secretary shall submit to the Com-
13 mittee on Homeland Security and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives and the Committee on Homeland Security
16 and Governmental Affairs of the Senate, a report on the
17 functionality and performance of such system, including—

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

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

22 “(3) an assessment of the cybersecurity of the
23 system, including any relevant vulnerability assess-
24 ments;

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

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

5 “(6) 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) 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 “(g) 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 2015,
22 2016, and 2017.”.

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”.

