

**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 the National Incident Management System and in
2 support of the National Preparedness System, for
3 receiving and disseminating the integrated public
4 alert and warning system messages utilizing ad-
5 vanced technologies is provided to State, local, tribal,
6 and other homeland security stakeholders involved in
7 the transmission of such messages;

8 “(7) conduct periodic nationwide tests of the in-
9 tegrated public alert and warning system; and

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

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

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

22 “(2) can be adapted to incorporate emerging
23 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) promotes State, local, tribal, and regional
5 partnerships to enhance coordination;

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

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

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

17 “(d) INTEGRATED PUBLIC ALERT AND WARNING
18 SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

19 “(1) ESTABLISHMENT.—Not later than 90 days
20 after the date of enactment of the Integrated Public
21 Alert and Warning System Modernization Act of
22 2014, the Secretary shall establish an advisory com-
23 mittee to be known as the Integrated Public Alert
24 and Warning System Advisory Committee (in this
25 subsection referred to as the ‘Advisory Committee’).

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

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

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

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

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

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

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

21 “(G) 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 2014:

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 communications
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) the broadcasting industry;

23 “(V) the commercial mobile radio
24 service industry;

25 “(VI) the cable industry;

1 “(VII) the satellite industry;

2 “(VIII) consumer or privacy ad-
3 vocates;

4 “(IX) national organizations rep-
5 resenting individuals with disabilities
6 and access and functional needs;

7 “(X) national organizations rep-
8 resenting the elderly; and

9 “(XI) national organizations rep-
10 resenting educational institutions, in-
11 cluding higher education.

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

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

19 “(4) MEETINGS.—

20 “(A) INITIAL MEETING.—The initial meet-
21 ing of the Advisory Committee shall take place
22 not later than 150 days after the date of enact-
23 ment of the Integrated Public Alert and Warn-
24 ing System Modernization Act of 2014.

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

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

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

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

18 “(A) the Defense Advanced Research
19 Projects Agency;

20 “(B) entities engaged in federally funded
21 research; and

22 “(C) academic institutions engaged in rel-
23 evant work and research.

24 “(7) RECOMMENDATIONS.—The Advisory Com-
25 mittee may develop and submit in the annual reports

1 under paragraph (8) recommendations for the con-
2 tinuation and improvement of an integrated public
3 alert and warning system, including—

4 “(A) recommendations for common alert-
5 ing and warning protocols, standards, termi-
6 nology, and operating procedures for such sys-
7 tem;

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

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

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

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

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

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

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

12 “(v) encourages proper use by State
13 and local governments of such system
14 through training programs and other
15 means;

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

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

24 “(viii) promotes the participation of
25 representatives from underserved and

1 underrepresented communities, to ensure
2 that alerts and warnings reach such popu-
3 lations; and

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

10 “(8) REPORT.—Not later than 1 year after the
11 date of enactment of the Integrated Public Alert and
12 Warning System Modernization Act of 2014, and
13 every year thereafter, the Advisory Committee shall
14 submit to the Secretary a report containing the rec-
15 ommendations of the Advisory Committee.

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

21 “(e) REPORT.—Not later than 1 year after the date
22 of the establishment of the Advisory Committee, and every
23 year thereafter, the Secretary shall submit to the Com-
24 mittee on Homeland Security and the Committee on
25 Transportation and Infrastructure of the House of Rep-

1 representatives and the Committee on Homeland Security
2 and Governmental Affairs of the Senate, a report on the
3 functionality and performance of such system, including—

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 2015,
18 2016, and 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 STATUTORY CONSTRUCTION.—

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

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

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

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

19 (D) to alter in any way the wireless emer-
20 gency alert service created pursuant to the
21 Warning, Alert, and Response Network Act (47
22 U.S.C. 1201 et seq.) or related orders of the
23 Federal Communications Commission issued
24 after the date of enactment of that Act.

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

8 (c) HOMELAND SECURITY GRANTS.—Section
9 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
10 609(a)) is amended—

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

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

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

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

