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:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

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

(2) the expected benefits of these enhancements
include—

(A) greater security, effectiveness, reliability, integration, flexibility, comprehensiveness, and redundancy of the Federal Government’s alert and warning capabilities;

(B) rapid alert dissemination;

(C) an improved ability to notify remote locations;
(D) an improved ability to notify individuals with disabilities; and

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

(3) there is a need to test the viability of delivering messages through diverse communications modes to effectively alert and warn the public;

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

(5) although significant Federal integration efforts are underway, the aggregation, dissemination, and reporting system necessary for effective public alert and warning will require an integrated national network for flexible, reliable, secure, and authenticated dissemination of emergency alerts and warnings by Federal, State, local, and tribal entities that are authorized to issue alerts to the public;

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

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

SEC. 3. NATIONAL INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) IN GENERAL.—

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

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

“(a) IN GENERAL.—In order to provide timely and effective warnings and disseminate homeland security information and other information, the Secretary shall, considering the recommendations of the advisory committee established under subsection (d), update, modernize, and implement the national integrated public alert and warning system.

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Secretary shall—

“(1) ensure that under all conditions the President is able to alert and warn governmental authorities and the civilian population in areas endangered by an act of terrorism, a natural disaster, war, other
man-made disasters, or other hazards to public safety;

“(2) establish or adapt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the integrated public alert and warning system;

“(3) include in the integrated public alert and warning system the capability to adapt the dissemination of homeland security information and other information, and the content of communications, on the basis of geographic location, risks, and multiple communications systems and technologies, as appropriate;

“(4) include in the integrated public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to individuals with disabilities, particularly sensory disabilities, or other access or functional needs;

“(5) ensure training, tests, and exercises for the integrated public alert and warning system, and that the system is incorporated into other training and exercise programs of the Department, as appropriate;

“(6) ensure that a comprehensive and periodic training program, consistent with the principles of
the National Incident Management System and in
support of the National Preparedness System, for
receiving and disseminating the integrated public
alert and warning system messages utilizing ad-
vanced technologies is provided to State, local, tribal,
and other homeland security stakeholders involved in
the transmission of such messages;
“(7) conduct periodic nationwide tests of the in-
tegrated public alert and warning system; and
“(8) consult, coordinate, and cooperate, to the
extent practicable, with other Federal agencies and
departments and with State, local, and tribal govern-
ments, the private sector, and other key stakeholders
to leverage existing alert and warning capabilities.
“(c) SYSTEM REQUIREMENTS.—The Secretary shall
ensure that the system—
“(1) incorporates redundant, diverse modes to
disseminate homeland security information and
other information in warning messages to the public
so as to reach the greatest number of individuals in
the intended area or location;
“(2) can be adapted to incorporate emerging
and future technologies, including social media;
“(3) is reliable, resilient, and secure, and can withstand acts of terrorism, hazards, and other external attacks or dangers;

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

“(5) to the extent technically feasible, is designed to provide alerts that are accessible to the largest portion of the affected population, including nonresident visitors and tourists and individuals with disabilities, particularly sensory disabilities, or other access or functional needs;

“(6) is designed to improve the ability of remote areas and areas with underdeveloped telecommunications infrastructure to receive alerts; and

“(7) includes mechanisms to ensure the protection of individual privacy.

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

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2014, the Secretary shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the ‘Advisory Committee’).
“(2) MEMBERSHIP.—The Advisory Committee shall be composed of the following members:

“(A) The Chairman of the Federal Communications Commission (or the Chairman’s designee).

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

“(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary’s designee).

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

“(E) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary’s designee).

“(F) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

“(G) The following members, to be appointed by the Secretary as soon as practicable after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2014:
“(i) Representatives of State and local
governments, representatives of emergency
management agencies, representatives of
emergency response providers, and rep-
representatives of emergency communications
providers, selected from among individuals
nominated by national organizations rep-
resenting governments and personnel.

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

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

“(I) communications service pro-
viders;

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

“(III) the broadcasting industry;

“(V) the commercial mobile radio
service industry;

“(VI) the cable industry;
“(VII) the satellite industry;

“(VIII) consumer or privacy advocates;

“(IX) national organizations representing individuals with disabilities and access and functional needs;

“(X) national organizations representing the elderly; and

“(XI) national organizations representing educational institutions, including higher education.

“(iv) Qualified representatives of such other stakeholders and interested and affected parties as the Secretary considers appropriate.

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

“(4) MEETINGS.—

“(A) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 150 days after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2014.
“(B) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet, at least annually, at the call of the Chairperson.

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

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

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

“(A) the Defense Advanced Research Projects Agency;

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

“(C) academic institutions engaged in relevant work and research.

“(7) RECOMMENDATIONS.—The Advisory Committee may develop and submit in the annual reports
under paragraph (8) recommendations for the continuation and improvement of an integrated public alert and warning system, including—

“(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for such system;

“(B) an assessment of the accomplishments and deficiencies of such system, including its accessibility for individuals with disabilities, and the impact on current alert and warning systems;

“(C) recommendations for increasing participation in such system, particularly among elementary, secondary, and higher education institutions; and

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

“(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, multiple communication systems and technologies, as appropriate;
“(ii) has the capability to alert and warn individuals with disabilities, particularly sensory disabilities, or access or functional needs, and individuals with limited English proficiency;

“(iii) incorporates multiple communications technologies;

“(iv) is designed to adapt to, and incorporate, emerging and future technologies for communicating directly with the public;

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

“(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

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

“(viii) promotes the participation of representatives from underserved and
underrepresented communities, to ensure that alerts and warnings reach such populations; and

“(ix) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

“(8) REPORT.—Not later than 1 year after the date of enactment of the Integrated Public Alert and Warning System Modernization Act of 2014, and every year thereafter, the Advisory Committee shall submit to the Secretary a report containing the recommendations of the Advisory Committee.

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

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

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

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

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

“(4) information on the feasibility and effectiveness of disseminating homeland security information and other information, notices, and alerts prior to and following an incident requiring use of the system.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $13,400,000 for each of fiscal years 2015, 2016, and 2017.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

“Sec. 526. National integrated public alert and warning system modernization.”.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—
(1) IN GENERAL.—Nothing in this Act (including the amendments made by this Act) shall be construed—

(A) to affect the authority of the Department of Commerce, the authority of the Federal Communications Commission, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) to provide the Secretary of Homeland Security authority to require any action by the Federal Communications Commission, the Department of Commerce, or any nongovernment entity, or to affect any existing obligations of those entities;

(C) to apply to, or provide the Secretary of Homeland Security any authority over, any participating commercial mobile service provider; or

(D) to alter in any way the wireless emergency alert service created pursuant to the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.) or related orders of the Federal Communications Commission issued after the date of enactment of that Act.
(2) PARTICIPATING COMMERCIAL MOBILE SERVICE PROVIDER DEFINED.—For purposes of this subsection, the term “participating commercial mobile service provider” has the same meaning as such term has in section 10.10(f) of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

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

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

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph:

“(13) improving public alert and warning capabilities; and”.