

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1738  
OFFERED BY Ms. MCSALLY OF ARIZONA**

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 2015”.

**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 (e), 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, natural disaster, war, other  
25 man-made disaster, or other hazard to public safety;

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

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

12          “(4) to the extent technically feasible, include in  
13          the national integrated public alert and warning sys-  
14          tem the capability to alert, warn, and provide the  
15          equivalent amount of information to—

16                 “(A) individuals with limited English pro-  
17                 ficiency skills;

18                 “(B) individuals with disabilities, particu-  
19                 larly sensory disabilities; and

20                 “(C) individuals with other access or func-  
21                 tional needs;

22          “(5) ensure training, tests, and exercises for the  
23          integrated public alert and warning system, and that  
24          the system is incorporated into other training and

1 exercise programs of the Department, as appro-  
2 priate;

3 “(6) ensure that a comprehensive and periodic  
4 training program, consistent with the principles of,  
5 and integrated with, the National Incident Manage-  
6 ment System and in support of the National Pre-  
7 paredness System, for receiving and disseminating  
8 the integrated public alert and warning system mes-  
9 sages utilizing advanced technologies is provided to  
10 State, local, tribal, and other homeland security  
11 stakeholders involved in the transmission of such  
12 messages;

13 “(7) conduct periodic nationwide tests of the in-  
14 tegrated public alert and warning system, at least  
15 once every 5 years; 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, diverse modes to  
24 disseminate homeland security information and  
25 other information in warning messages to the public

1 so as to reach the greatest number of individuals in  
2 the intended area or location;

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

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

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

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

12 “(6) to the extent technically feasible, is de-  
13 signed to provide alerts that are accessible to the  
14 largest portion of the affected population, including  
15 nonresident visitors and tourists, individuals with  
16 limited English proficiency skills, and individuals  
17 with disabilities, particularly sensory disabilities, or  
18 other access or functional needs; and

19 “(7) is designed to improve the ability of af-  
20 fected populations in remote areas and areas with  
21 underdeveloped telecommunications infrastructure to  
22 receive alerts.

23 “(d) **PRIVACY PROTECTION.**—The Secretary, in con-  
24 sultation with the Department’s Chief Privacy Officer,  
25 shall produce a Privacy Impact Assessment every 5 years

1 to evaluate whether the technology of the national inte-  
2 grated public alert and warning system has implications  
3 on the privacy rights of citizens of the United States.

4 “(e) INTEGRATED PUBLIC ALERT AND WARNING  
5 SYSTEM MODERNIZATION ADVISORY COMMITTEE.—

6 “(1) ESTABLISHMENT.—Not later than 90 days  
7 after the date of enactment of the Integrated Public  
8 Alert and Warning System Modernization Act of  
9 2015, the Secretary shall establish an advisory com-  
10 mittee to be known as the Integrated Public Alert  
11 and Warning System Advisory Committee (in this  
12 subsection referred to as the ‘Advisory Committee’).

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

15 “(A) The Chairman of the Federal Com-  
16 munications Commission (or the Chairman’s  
17 designee).

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

21 “(C) The Assistant Secretary for Commu-  
22 nications and Information of the Department of  
23 Commerce (or the Assistant Secretary’s des-  
24 ignee).

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

3           “(E) The Under Secretary for Science and  
4 Technology of the Department of Homeland Se-  
5 curity (or the Under Secretary’s designee).

6           “(F) The Under Secretary for  
7 Cybersecurity and Communications of the De-  
8 partment of Homeland Security National Pro-  
9 tection and Programs Directorate.

10          “(G) The Director of the Office of Dis-  
11 ability Integration and Coordination of the Fed-  
12 eral Emergency Management Agency.

13          “(H) The following members, to be ap-  
14 pointed by the Secretary as soon as practicable  
15 after the date of enactment of the Integrated  
16 Public Alert and Warning System Moderniza-  
17 tion Act of 2015 for a term established by the  
18 Secretary that does not exceed 5 years:

19               “(i) Representatives of State and local  
20 governments, representatives of emergency  
21 management agencies, representatives of  
22 emergency response providers, and rep-  
23 resentatives of emergency communications  
24 providers, selected from among individuals



1 nominated by national organizations rep-  
2 resenting governments and personnel.

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

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

10 “(I) communications service pro-  
11 viders;

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

16 “(III) the broadcasting industry;

17 “(IV) the commercial mobile  
18 radio service industry;

19 “(V) the cable industry;

20 “(VI) the satellite industry;

21 “(VII) consumer or privacy advo-  
22 cates;

23 “(VIII) national organizations  
24 representing individuals with disabil-  
25 ities and access and functional needs;

1                   “(IX) national organizations rep-  
2                   resenting the elderly; and

3                   “(X) national organizations rep-  
4                   resenting educational institutions, in-  
5                   cluding higher education.

6                   “(iv) Qualified representatives of such  
7                   other stakeholders and interested and af-  
8                   fected parties as the Secretary considers  
9                   appropriate.

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

13                  “(4) MEETINGS.—

14                         “(A) INITIAL MEETING.—The initial meet-  
15                         ing of the Advisory Committee shall take place  
16                         not later than 150 days after the date of enact-  
17                         ment of the Integrated Public Alert and Warn-  
18                         ing System Modernization Act of 2015.

19                         “(B) OTHER MEETINGS.—After the initial  
20                         meeting, the Advisory Committee shall meet, at  
21                         least annually, at the call of the Chairperson.

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

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

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

11                   “(A) the Defense Advanced Research  
12                   Projects Agency;

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

15                   “(C) academic institutions engaged in rel-  
16                   evant work and research.

17          “(7) RECOMMENDATIONS.—The Advisory Com-  
18          mittee may develop and submit in the annual reports  
19          under paragraph (8) recommendations for the con-  
20          tinuation and improvement of an integrated public  
21          alert and warning system, including—

22                   “(A) recommendations for common alert-  
23                   ing and warning protocols, standards, termi-  
24                   nology, and operating procedures for such sys-  
25                   tem;

1           “(B) an assessment of the accomplish-  
2           ments and deficiencies of such system, includ-  
3           ing its accessibility for individuals with disabili-  
4           ties, and the impact on current alert and warn-  
5           ing systems;

6           “(C) recommendations for increasing par-  
7           ticipation in such system, particularly among el-  
8           ementary, secondary, and higher education in-  
9           stitutions; and

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

14               “(i) has the capability to adapt the  
15               distribution and content of communications  
16               on the basis of geographic location, risks,  
17               multiple communication systems and tech-  
18               nologies, as appropriate;

19               “(ii) has the capability to alert and  
20               warn individuals with disabilities, particu-  
21               larly sensory disabilities, or access or func-  
22               tional needs, and individuals with limited  
23               English proficiency;

24               “(iii) incorporates multiple commu-  
25               nications technologies;

1           “(iv) is designed to adapt to, and in-  
2           corporate, emerging and future tech-  
3           nologies for communicating directly with  
4           the public;

5           “(v) is hardened and resilient, to the  
6           greatest extent practicable, with respect to  
7           cyber attacks;

8           “(vi) encourages proper use by State  
9           and local governments of such system  
10          through training programs and other  
11          means;

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

17          “(viii) promotes local and regional  
18          public and private partnerships to enhance  
19          community preparedness and response;

20          “(ix) promotes the participation of  
21          representatives from underserved and  
22          underrepresented communities, to ensure  
23          that alerts and warnings reach such popu-  
24          lations; and

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

7           “(8) REPORT.—Not later than one year after  
8           the date of enactment of the Integrated Public Alert  
9           and Warning System Modernization Act of 2015,  
10          and every year thereafter, the Advisory Committee  
11          shall submit to the Secretary a report containing the  
12          recommendations of the Advisory Committee.

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

18          “(10) SUNSET.—The Advisory Committee shall  
19          terminate on the date that is six years after the date  
20          on which the Advisory Committee is established pur-  
21          suant to paragraph (1).

22          “(f) REPORT.—Not later than one year after the date  
23          of the establishment of the Advisory Committee, and every  
24          year thereafter for the next six years, the Secretary shall  
25          submit to the Committee on Homeland Security and the

1 Committee on Transportation and Infrastructure of the  
2 House of Representatives and the Committee on Home-  
3 land Security and Governmental Affairs of the Senate, a  
4 report on the functionality and performance of such sys-  
5 tem, including—

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

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

16           “(3) an assessment of the cybersecurity of the  
17 system, including any relevant vulnerability assess-  
18 ments;

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

21           “(5) recommendations for improvements to the  
22 system;

23           “(6) information on the feasibility and effective-  
24 ness of disseminating homeland security information  
25 and other information, notices, and alerts prior to

1 and following an incident requiring use of the sys-  
2 tem; and

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

7 “(g) COMPATIBLE MOBILE DEVICES.—The Secretary  
8 shall—

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

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

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to the Secretary to carry  
18 out this section \$12,800,000 for each of fiscal years 2016,  
19 2017, and 2018.”.

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

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

24 (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”.

