

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3563**

OFFERED BY _____

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 Warning System Modernization Act of 2012”.

4 SEC. 2. FINDINGS.

5 Congress finds that—

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

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

11 (A) greater security, reliability, and redun-
12 dancy of the Federal Government’s alert and
13 warning capabilities;

14 (B) rapid alert dissemination;

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

1 (D) the ability to geographically target and
2 deliver alerts and warnings through multiple
3 communication modes; and

4 (E) the ability to permit homeland security
5 grants to be utilized for the purposes of mod-
6 ernizing public alert and warning systems;

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

10 (4) there is a need to modernize and improve
11 the ability of the Federal Government to provide
12 residents of the United States with timely and effec-
13 tive warnings; and

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

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

24 (a) IN GENERAL.—

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

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

7 “(a) IN GENERAL.—In order to provide timely and
8 effective warnings and disseminate homeland security in-
9 formation and other information, the Secretary shall mod-
10 ernize and implement the national integrated public alert
11 and warning system (in this section referred to as ‘the
12 public alert and warning system’).

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

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

19 “(2) include in the public alert and warning
20 system the capability to adapt the dissemination of
21 homeland security information and other informa-
22 tion and the content of communications on the basis
23 of geographic location, risks, or personal user pref-
24 erences, as appropriate;

1 “(3) include in the public alert and warning
2 system the capability to alert, warn, and provide the
3 equivalent amount of information to individuals with
4 disabilities and access and functional needs;

5 “(4) ensure the conduct of training, tests, and
6 exercises for the public alert and warning system,
7 and that the system is incorporated into other train-
8 ing and exercise programs of the Department, as ap-
9 propriate;

10 “(5) ensure that ongoing training for receiving
11 and disseminating public alert and warning system
12 messages utilizing advanced technologies is provided
13 to State, local, tribal, and other homeland security
14 stakeholders involved in the transmission of such
15 messages;

16 “(6) ensure that the public alert and warning
17 system uses the National Terrorism Advisory Sys-
18 tem, including ensuring that the National Terrorism
19 Advisory System participates in tests of the public
20 alert and warning system;

21 “(7) conduct, at least once every 3 years, peri-
22 odic nationwide tests of the public alert and warning
23 system; and

24 “(8) consult, coordinate, and cooperate, to the
25 extent practicable, with other Federal agencies and

1 departments and with State, local, and tribal govern-
2 ments, the private sector, and other key stakeholders
3 to leverage existing alert and warning capabilities.

4 “(c) SYSTEM REQUIREMENTS.—The Secretary shall
5 ensure that the system—

6 “(1) incorporates redundant and diverse modes
7 to disseminate homeland security information and
8 other information in warning messages to the public
9 so as to reach the greatest number of individuals;

10 “(2) can be adapted to incorporate future tech-
11 nologies;

12 “(3) is resilient, secure, and can withstand acts
13 of terrorism and other external attacks;

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

16 “(5) is designed to provide alerts that are ac-
17 cessible to the largest portion of the affected popu-
18 lation feasible, including nonresident visitors and
19 tourists and individuals with disabilities and access
20 and functional needs, and improves the ability of re-
21 mote areas to receive alerts; and

22 “(6) includes mechanisms to ensure the protec-
23 tion of individual privacy.

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

1 “(1) ESTABLISHMENT.—Not later than 90 days
2 after the date of enactment of the Integrated Public
3 Alert Warning System Modernization Act of 2012,
4 the Secretary shall establish an advisory committee
5 to be known as the Integrated Public Alert and
6 Warning System Advisory Committee (in this sub-
7 section referred to as the ‘Advisory Committee’).

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

10 “(A) The Chairman of the Federal Com-
11 munications Commission (or the Chairman’s
12 designee).

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

16 “(C) The Assistant Secretary for Commu-
17 nications and Information of the Department of
18 Commerce (or the Assistant Secretary’s des-
19 igned).

20 “(D) The Undersecretary for Science and
21 Technology of the Department of Homeland Se-
22 curity.

23 “(E) The Director of the Office of Dis-
24 ability Integration and Coordination of the Fed-
25 eral Emergency Management Agency.

1 “(F) The following members, to be ap-
2 pointed by the Secretary as soon as practicable
3 after the date of enactment of the Integrated
4 Public Alert Warning System Modernization
5 Act of 2012:

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

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

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

21 “(I) communications service pro-
22 viders;

23 “(II) vendors, developers, and
24 manufacturers of systems, facilities,

1 equipment, and capabilities for the
2 provision of communications services;

3 “(III) third-party service bu-
4 reaus;

5 “(IV) the broadcasting industry;

6 “(V) the cellular industry;

7 “(VI) the cable industry;

8 “(VII) the satellite industry; and

9 “(VIII) national organizations
10 representing individuals with disabil-
11 ities and access and functional needs,
12 and the elderly.

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

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

20 “(4) MEETINGS.—

21 “(A) INITIAL MEETING.—The initial meet-
22 ing of the Advisory Committee shall take place
23 not later than 120 days after the date of enact-
24 ment of the Integrated Public Alert Warning
25 System Modernization Act of 2012.

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 the public alert and warning system,
18 such as—

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

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

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

1 “(7) RECOMMENDATIONS.—The Advisory Com-
2 mittee shall develop and submit in the annual re-
3 ports under paragraph (8) recommendations for the
4 continuation and improvement of an integrated pub-
5 lic alert and warning system, including—

6 “(A) recommendations for common alert-
7 ing and warning protocols, standards, termi-
8 nology, and operating procedures for the public
9 alert and warning system;

10 “(B) an assessment of the accomplish-
11 ments and deficiencies of the public alert and
12 warning system, as well as the impact on cur-
13 rent alert and warning systems; and

14 “(C) recommendations for improvements
15 to the system, including recommendations to
16 provide for a public alert and warning system
17 that—

18 “(i) has the capability to adapt the
19 distribution and content of communications
20 on the basis of geographic location, risks,
21 multiple communication systems and tech-
22 nologies or personal user preferences, as
23 appropriate;

24 “(ii) has the capability to alert and
25 warn individuals with access and functional

1 needs and individuals with limited English
2 proficiency;

3 “(iii) incorporates multiple commu-
4 nications technologies;

5 “(iv) is designed to adapt to, and in-
6 corporate, future technologies for commu-
7 nicating directly with the public;

8 “(v) encourages proper use by State
9 and local governments of the public alert
10 and warning system through training pro-
11 grams and other means;

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

20 “(viii) provides redundant alert mech-
21 anisms where practicable so as to reach the
22 greatest number of people regardless of
23 whether they have access to, or utilize, any
24 specific medium of communication or any
25 particular device.

1 “(8) REPORT.—Not later than 1 year after the
2 date of enactment of the Integrated Public Alert
3 Warning System Modernization Act of 2012, and
4 every year after, the Advisory Committee shall sub-
5 mit to the Secretary a report containing the rec-
6 ommendations of the Advisory Committee.

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

12 “(e) REPORT.—Not later than 1 year after the date
13 on which the system established under subsection (a) is
14 fully functional and every six months thereafter, the Sec-
15 retary shall submit to the Committee on Homeland Secu-
16 rity of the House of Representatives and the Committee
17 on Homeland Security and Governmental Affairs of the
18 Senate, a report on the functionality and performance of
19 the integrated public alert and warning system, includ-
20 ing—

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

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

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

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

5 (3) by inserting after paragraph (12) the fol-
6 lowing new paragraph:

7 “(13) improving public alert and warning capa-
8 bilities; and”.

