

109TH CONGRESS
2^D SESSION

H. R. 5785

To establish a unified national hazard alert system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2006

Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGEL, Mr. RADANOVICH, Mr. MELANCON, Mr. ENGLISH of Pennsylvania, Mr. JOHNSON of Illinois, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. BRADLEY of New Hampshire) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a unified national hazard alert system, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Warning, Alert, and
5 Response Network Act”.

6 **SEC. 2. NATIONAL ALERT SYSTEM.**

7 (a) ESTABLISHMENT.—There is established a vol-
8 untary National Alert System to provide a public commu-
9 nications system capable of alerting the public on a na-

1 tional, regional, or local basis to emergency situations re-
2 quiring a public response.

3 (b) FUNCTIONS.—The National Alert System—

4 (1) will enable any Federal, State, tribal, or
5 local government official with credentials issued
6 under section 3 by the National Alert Office to alert
7 the public to any imminent threat that presents a
8 significant risk of injury or death to the public;

9 (2) will be coordinated with and supplement ex-
10 isting Federal, State, tribal, and local emergency
11 warning and alert systems;

12 (3) will be flexible enough in its application to
13 permit narrowly targeted alerts in circumstances in
14 which only a small geographic area is exposed or po-
15 tentially exposed to the threat; and

16 (4) will transmit alerts across the greatest pos-
17 sible variety of communications technologies, includ-
18 ing digital and analog broadcasts, cable and satellite
19 television, satellite and terrestrial radio, wireless
20 communications, wireline communications, and the
21 Internet to reach the largest portion of the affected
22 population.

23 (c) CAPABILITIES.—The National Alert System—

24 (1) shall incorporate multiple communications
25 technologies and be designed to adapt to, and incor-

1 incorporate, future technologies for communicating di-
2 rectly with the public;

3 (2) may not interfere with existing alert, warn-
4 ing, priority access, or emergency communications
5 systems employed by Federal, State, tribal, or local
6 emergency response personnel and shall incorporate
7 existing emergency alert technologies and operate
8 consistent with the NOAA All-Hazards Radio Sys-
9 tem; and

10 (3) shall not be based upon any single tech-
11 nology or platform, but shall be designed to provide
12 alerts to the largest portion of the affected popu-
13 lation feasible and improve the ability of remote
14 areas to receive alerts.

15 (d) RECEPTION OF ALERTS.—The National Alert
16 System shall—

17 (1) utilize multiple technologies for providing
18 alerts to the public, including technologies that do
19 not require members of the public to activate a par-
20 ticular device or use a particular technology to re-
21 ceive an alert provided via the National Alert Sys-
22 tem; and

23 (2) provide redundant alert mechanisms where
24 practicable so as to reach the greatest number of
25 people regardless of whether they have access to, or

1 utilize, any specific medium of communication or
2 any particular device.

3 **SEC. 3. IMPLEMENTATION AND USE.**

4 (a) **AUTHORITY TO ACCESS SYSTEM.**—

5 (1) **IN GENERAL.**—The National Alert Office
6 shall establish a process for issuing credentials to
7 Federal, State, tribal, or local government officials
8 with responsibility for issuing safety warnings to the
9 public that will enable them to access the National
10 Alert System.

11 (2) **REQUESTS FOR CREDENTIALS.**—Requests
12 for credentials from Federal, State, tribal, and local
13 government agencies shall be submitted to the Office
14 by the head of the Federal department or agency, or
15 the governor of the State or the elected leader of a
16 Federally recognized Indian tribe, concerned, for re-
17 view and approval.

18 (3) **SCOPE AND LIMITATIONS OF CREDEN-**
19 **TIALS.**—The Office shall—

20 (A) establish eligibility criteria for issuing,
21 renewing, and revoking access credentials;

22 (B) limit credentials to appropriate geo-
23 graphic areas or political jurisdictions; and

24 (C) ensure that the credentials permit use
25 of the National Alert System only for alerts

1 that are consistent with the jurisdiction, author-
2 ity, and basis for eligibility of the individual to
3 whom the credentials are issued to use the Na-
4 tional Alert System.

5 (4) PERIODIC TRAINING.—The Office shall—

6 (A) establish a periodic training program
7 for Federal, State, tribal, or local government
8 officials with credentials to use the National
9 Alert System; and

10 (B) require such officials to undergo peri-
11 odic training under the program as a pre-
12 requisite for retaining their credentials to use
13 the system.

14 (b) ALLOWABLE ALERTS.—

15 (1) IN GENERAL.—Any alert transmitted via
16 the National Alert System, other than an alert de-
17 scribed in paragraph (3), shall meet 1 or more of
18 the following requirements:

19 (A) An alert shall notify the public of a
20 hazardous situation that poses an imminent
21 threat to the public health or safety.

22 (B) An alert shall provide appropriate in-
23 structions for actions to be taken by individuals
24 affected or potentially affected by such a situa-
25 tion.

1 (C) An alert shall transmit public address-
2 es by Federal, State, tribal, or local officials
3 when necessary.

4 (D) An alert shall notify the public of
5 when the hazardous situation has ended or has
6 been brought under control.

7 (2) EVENT ELIGIBILITY REGULATIONS.—The
8 director of the National Alert Office, in consultation
9 with the Working Group, shall by regulation speci-
10 fy—

11 (A) the classes of events or situations for
12 which the National Alert System may be used
13 to alert the public; and

14 (B) the content of the types of alerts that
15 may be transmitted by or through use of the
16 National Alert System, which may include—

17 (i) notifications to the public of a haz-
18 ardous situation that poses an imminent
19 threat to the public health or safety accom-
20 panied by appropriate instructions for ac-
21 tions to be taken by individuals affected or
22 potentially affected by such a situation;
23 and

1 (ii) when technologically feasible pub-
2 lie addresses by Federal, State, tribal, or
3 local officials if necessary.

4 (c) ACCESS POINTS.—The National Alert System
5 shall provide—

6 (1) secure, widely dispersed multiple access
7 points to Federal, State, or local government offi-
8 cials with credentials that will enable them to ini-
9 tiate alerts for transmission to the public via the
10 National Alert System; and

11 (2) system redundancies to ensure functionality
12 in the event of partial system failures, power fail-
13 ures, or other interruptive events.

14 (d) ELECTION TO CARRY SERVICE.—

15 (1) AMENDMENT OF LICENSE.—Within 60 days
16 after the date on which the National Alert Office
17 adopts relevant technical standards based on rec-
18 ommendations of the Working Group, the Federal
19 Communications Commission shall initiate a pro-
20 ceeding and subsequently issue an order—

21 (A) to allow any licensee providing com-
22 mercial mobile service (as defined in section
23 332(d)(1) of the Communications Act of 1934
24 (47 U.S.C. 332(d)(1))) to transmit National

1 Alert System alerts to all subscribers to, or
2 users of, such service; and

3 (B) to require any such licensee who elects
4 under paragraph (2) not to participate in the
5 transmission of National Alert System alerts, to
6 provide clear and conspicuous notice at the
7 point of sale of any devices with which its serv-
8 ice is included, that it will not transmit Na-
9 tional Alert System alerts via its service.

10 (2) ELECTION TO CARRY SERVICE.—

11 (A) IN GENERAL.—Within 30 days after
12 the Commission issues its order under para-
13 graph (1), each such licensee shall file an elec-
14 tion with the Commission with respect to
15 whether or not it intends to participate in the
16 transmission of National Alert System alerts.

17 (B) PARTICIPATION.—If a licensee elects
18 to participate in the transmission of National
19 Alert System alerts, the licensee shall certify to
20 the National Alert Office that it will participate
21 in a manner consistent with the standards and
22 protocols implemented by the National Alert
23 Office.

24 (C) ADVERTISING.—Nothing in this Act
25 shall be construed to prevent a licensee from

1 advertising that it participates in the trans-
2 mission of National Alert System alerts.

3 (D) WITHDRAWAL FROM OR LATER ENTRY
4 INTO SYSTEM.—The Commission shall establish
5 a procedure for—

6 (i) participating licensees to withdraw
7 from the National Alert System upon noti-
8 fication of its withdrawal to its existing
9 subscribers; and

10 (ii) licensees to enter the National
11 Alert System at a date later than provided
12 in subparagraph (A).

13 (E) CONSUMER CHOICE TECHNOLOGY.—
14 Any licensee electing to participate in the trans-
15 mission of National Alert System alerts may
16 offer subscribers the capability of preventing
17 the subscriber's device from receiving alerts
18 broadcast by the system other than an alert
19 issued by the President.

20 (e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

21 (1) RETRANSMISSION CAPABILITY.—Within 30
22 days after the date of enactment of this Act, the
23 Federal Communications Commission shall initiate a
24 proceeding to require public broadcast television li-
25 censees and permittees to install necessary equip-

1 ment and technologies on, or as part of, any broad-
2 cast television digital signal transmitter to enable
3 the transmitter to serve as a backbone for the recep-
4 tion, relay, and retransmission of National Alert
5 System alerts.

6 (2) COMPENSATION.—The National Alert Office
7 established by section 4 shall compensate any such
8 licensee or permittee for costs incurred in complying
9 with the requirements imposed pursuant to para-
10 graph (1).

11 (f) FCC REGULATION OF COMPLIANCE.—Except as
12 provided in subsections (d) and (e), the Federal Commu-
13 nications Commission shall have no regulatory authority
14 under this Act except to regulate compliance with this Act
15 by licensees and permittees regulated by the Commission
16 under the Communications Act of 1934 (47 U.S.C. 151
17 et seq.).

18 (g) TESTING.—The director shall establish testing
19 criteria and guidelines for licensees that elect to partici-
20 pate in the transmission of National Alert System alerts.

21 **SEC. 4. NATIONAL ALERT OFFICE.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—The National Alert Office is
24 established within the National Telecommunications
25 and Information Administration.

1 (2) DIRECTOR.—The office shall be headed by
2 a director with at least 5 years’ operational experi-
3 ence in the management and issuance of warnings
4 and alerts, hazardous event management, or disaster
5 planning.

6 (3) STAFF.—The office shall have a staff with
7 significant technical expertise in the communications
8 industry. The director may request the detailing,
9 with or without reimbursement, of staff from any
10 appropriate Federal department or agency in order
11 to ensure that the concerns of all such departments
12 and agencies are incorporated into the daily oper-
13 ation of the National Alert System.

14 (b) FUNCTIONS AND RESPONSIBILITIES.—

15 (1) IN GENERAL.—The Office shall administer,
16 operate, and manage the National Alert System.

17 (2) IMPLEMENTATION OF WORKING GROUP
18 RECOMMENDATIONS.—The Office shall be respon-
19 sible for implementing the recommendations of the
20 Working Group established by section 5 regarding—

21 (A) the technical transmission of alerts;

22 (B) the incorporation of new technologies
23 into the National Alert System;

24 (C) the technical capabilities of the Na-
25 tional Alert System; and

1 (D) any other matters that fall within the
2 duties of the Working Group.

3 (3) TRANSMISSION OF ALERTS.—In administering
4 the National Alert System, the director of the National
5 Alert Office shall ensure that—

6 (A) the National Alert System is available to,
7 and enables, only Federal, State, tribal, or local gov-
8 ernment officials with credentials issued under sec-
9 tion 3 by the National Alert Office to access and uti-
10 lize the National Alert System;

11 (B) the National Alert System is capable of
12 providing geographically targeted alerts where such
13 alerts are appropriate;

14 (C) the legitimacy and authenticity of any prof-
15 fered alert is verified before it is transmitted;

16 (D) each proffered alert complies with formats,
17 protocols, and other requirements established by the
18 Office to ensure the efficacy and usefulness of alerts
19 transmitted via the National Alert System;

20 (E) the security and integrity of a National
21 Alert System alert from the point of origination to
22 delivery is maintained; and

23 (F) the security and integrity of the National
24 Alert System is maintained and protected.

25 (c) REPORTS.—

1 (1) ANNUAL REPORTS.—The director shall sub-
2 mit an annual report to the Committee on Com-
3 merce, Science, and Transportation of the Senate
4 and the Committee on Energy and Commerce of the
5 House of Representatives on the status of, and plans
6 for, the National Alert System. In the first annual
7 report, the director shall report on—

8 (A) the progress made toward operational
9 activation of the alerting capabilities of the Na-
10 tional Alert System; and

11 (B) the anticipated date on which the Na-
12 tional Alert System will be available for utiliza-
13 tion by Federal, State, and local officials.

14 (2) 5-YEAR PLAN.—Within 1 year after the
15 date of enactment of this Act and every 5 years
16 thereafter, the director shall publish a 5-year plan
17 that outlines future capabilities and communications
18 platforms for the National Alert System. The plan
19 shall serve as the long-term planning document for
20 the Office.

21 (d) GAO AUDITS.—

22 (1) IN GENERAL.—The Comptroller General
23 shall audit the National Alert Office every 2 years
24 after the date of enactment of this Act and transmit
25 the findings thereof to the Committee on Commerce,

1 Science, and Transportation of the Senate and the
2 Committee on Energy and Commerce of the House
3 of Representatives.

4 (2) RESPONSE REPORT.—If, as a result of the
5 audit, the Comptroller General expresses concern
6 about any matter addressed by the audit, the direc-
7 tor of the National Alert Office shall transmit a re-
8 port to the Committee on Commerce, Science, and
9 Transportation of the Senate and the Committee on
10 Energy and Commerce of the House of Representa-
11 tives describing what action, if any, the director is
12 taking to respond to any such concern.

13 **SEC. 5. NATIONAL ALERT SYSTEM WORKING GROUP.**

14 (a) ESTABLISHMENT.—Not later than 60 days after
15 the date of enactment of this Act, the director of the Na-
16 tional Alert Office shall establish a working group, to be
17 known as the National Alert System Working Group.

18 (b) MEMBERSHIP.—

19 (1) APPOINTMENT; CHAIR.—The director shall
20 appoint the members of the Working Group as soon
21 as practicable after the date of enactment of this
22 Act and shall serve as its chair. In appointing mem-
23 bers of the Working Group, the director shall ensure
24 that the number of members appointed under para-
25 graphs (3) and (4) provides appropriate and ade-

1 quate representation for all stakeholders and inter-
2 ested and affected parties.

3 (2) FEDERAL AGENCY REPRESENTATIVES.—

4 The director shall appoint appropriate personnel
5 from the National Institute of Standards and Tech-
6 nology, the National Oceanic and Atmospheric Ad-
7 ministration, the Federal Communications Commis-
8 sion, the Federal Emergency Management Agency,
9 the Nuclear Regulatory Commission, and the De-
10 partment of Justice to serve as members of the
11 Working Group. The director may also appoint rep-
12 resentatives of other appropriate Federal agencies to
13 serve as members of the Working Group.

14 (3) STATE, LOCAL, AND TRIBAL GOVERNMENT

15 REPRESENTATIVES.—The director shall appoint rep-
16 resentatives of State, local, and tribal governments
17 and representatives of emergency services personnel,
18 selected from among individuals nominated by na-
19 tional organizations representing such governments
20 and personnel, to serve as members of the Working
21 Group.

22 (4) SUBJECT MATTER EXPERTS.—The director

23 shall appoint individuals who have the requisite tech-
24 nical knowledge and expertise to assist the Working

1 Group in the fulfillment of its duties, including rep-
2 resentatives of—

3 (A) communications service providers;

4 (B) vendors, developers, and manufactur-
5 ers of systems, facilities; equipment, and capa-
6 bilities for the provision of communications
7 services;

8 (C) third parties that offer the capability
9 of providing technical support to communica-
10 tions service providers for purposes of partici-
11 pating in the National Alert System;

12 (D) the national organization representing
13 the licensees and permittees of noncommercial
14 broadcast television stations; and

15 (E) other individuals with technical exper-
16 tise that would enhance the National Alert Sys-
17 tem.

18 (c) DUTIES OF THE WORKING GROUP.—

19 (1) DEVELOPMENT OF SYSTEM-CRITICAL REC-
20 OMMENDATIONS.—Within 1 year after the date of
21 enactment of this Act, the Working Group shall de-
22 velop and transmit to the National Alert Office rec-
23 ommendations for—

24 (A) protocols, including formats, source or
25 originator identification, threat severity, hazard

1 description, and response requirements or rec-
2 ommendations, for alerts to be transmitted via
3 the National Alert System that ensures that
4 alerts are capable of being utilized across the
5 broadest variety of communication technologies,
6 at National, State, and local levels;

7 (B) procedures for verifying, initiating,
8 modifying, and canceling alerts transmitted via
9 the National Alert System;

10 (C) guidelines for the technical capabilities
11 of the National Alert System;

12 (D) guidelines for technical capability that
13 provides for the priority transmission of Na-
14 tional Alert System alerts;

15 (E) guidelines for other capabilities of the
16 National Alert System as specified in this Act;
17 and

18 (F) standards for equipment and tech-
19 nologies used by the National Alert System.

20 (2) INTEGRATION OF EMERGENCY AND NA-
21 TIONAL ALERT SYSTEMS.—The Working Group shall
22 coordinate with the operators of nuclear power
23 plants and other critical infrastructure facilities to
24 integrate emergency alert systems for those facilities
25 with the National Alert System.

1 (d) MEETINGS.—

2 (1) INITIAL MEETING.—The initial meeting of
3 the Working Group shall take place not later than
4 60 days after the date of the enactment of this Act.

5 (2) OTHER MEETINGS.—After the initial meet-
6 ing, the Working Group shall meet at the call of the
7 chair.

8 (3) NOTICE; OPEN MEETINGS.—Any meetings
9 held by the Working Group shall be duly noticed at
10 least 14 days in advance and shall be open to the
11 public.

12 (e) GIFTS AND GRANTS.—The Working Group may
13 accept, use, and dispose of gifts or grants of services or
14 property, both real and personal, for purposes of aiding
15 or facilitating the work of the Working Group. Gifts or
16 grants not used at the expiration of the Working Group
17 shall be returned to the donor or grantor.

18 (f) RULES.—

19 (1) QUORUM.—One-third of the members of the
20 Working Group shall constitute a quorum for con-
21 ducting business of the Working Group.

22 (2) SUBCOMMITTEES.—To assist the Working
23 Group in carrying out its functions, the chair may
24 establish appropriate subcommittees composed of

1 members of the Working Group and other subject
2 matter experts as deemed necessary.

3 (3) **ADDITIONAL RULES.**—The Working Group
4 may adopt other rules as needed.

5 (g) **FEDERAL ADVISORY COMMITTEE ACT.**—Neither
6 the Federal Advisory Committee Act (5 U.S.C. App.) nor
7 any rule, order, or regulation promulgated under that Act
8 shall apply to the Working Group.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) **DIRECTOR.**—The term “director” means
12 the director of the National Alert Office.

13 (2) **OFFICE.**—The term “Office” means the
14 National Alert Office established by section 4.

15 (3) **NATIONAL ALERT SYSTEM.**—The term “Na-
16 tional Alert System” means the National Alert Sys-
17 tem established by section 2.

18 (4) **WORKING GROUP.**—The term “Working
19 Group” means the National Alert System Working
20 Group established under section 5.

21 **SEC. 7. FUNDING.**

22 (a) **FUNDING.**—Funding for this Act shall be pro-
23 vided from the Digital Transition and Public Safety Fund
24 in accordance with section 3010 of the Deficit Reduction
25 Act of 2005.

1 (b) CREDIT.—The Assistant Secretary for Commu-
2 nications and Information of the Department of Com-
3 merce may borrow from the Treasury beginning on Octo-
4 ber 1, 2006, such sums as may be necessary, but not to
5 exceed \$106,000,000, to implement this section. The As-
6 sistant Secretary shall reimburse the Treasury, without in-
7 terest, as funds are deposited into the Digital Television
8 Transition and Public Safety Fund.

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