

109TH CONGRESS
2^D SESSION

H. R. 5556

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2006

Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGLISH of Pennsylvania, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 by
6 the National Alert Office under section 103 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, including the
8 NOAA All-Hazards Radio System, digital and ana-
9 log broadcast, cable, and satellite television and sat-
10 ellite and terrestrial radio; and

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

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

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

24 (2) provide redundant alert mechanisms where
25 practicable so as to reach the greatest number of

1 people regardless of whether they have access to, or
2 utilize, any specific medium of communication or
3 any particular device.

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

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

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

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

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

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

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

1 (C) ensure that the credentials permit use
2 of the National Alert System only for alerts
3 that are consistent with the jurisdiction, author-
4 ity, and basis for eligibility of the individual to
5 whom the credentials are issued to use the Na-
6 tional Alert System.

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

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

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

16 (b) ALLOWABLE ALERTS.—

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

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

24 (B) An alert shall provide appropriate in-
25 structions for actions to be taken by individuals

1 affected or potentially affected by such a situa-
2 tion.

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

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

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

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

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

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

1 (ii) when technologically feasible pub-
2 lic 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 104 shall compensate any
8 such licensee or permittee for costs incurred in com-
9 plying with the requirements imposed pursuant to
10 paragraph (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) LIMITATION OF LIABILITY.—Any person that
19 participates in the transmission of National Alert System
20 alerts and that meets its obligations under this Act shall
21 not be liable to any subscriber to, or user of, such person’s
22 service or equipment—

23 (1) for any act or omission related to or any
24 harm resulting from the transmission of, or failure

1 to transmit, a National Alert System alert to such
2 subscriber or user; or

3 (2) for the release to a government agency or
4 entity, public safety, fire service, law enforcement of-
5 ficial, or emergency facility of subscriber information
6 used in connection with delivering an alert.

7 (h) TESTING.—The director shall establish testing
8 criteria and guidelines for licensees that elect to partici-
9 pate in the transmission of National Alert System alerts.

10 **SEC. 4. NATIONAL ALERT OFFICE.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—The National Alert Office is
13 established within the National Telecommunications
14 and Information Administration.

15 (2) DIRECTOR.—The office shall be headed by
16 a director with at least 5 years' operational experi-
17 ence in the management and issuance of warnings
18 and alerts, hazardous event management, or disaster
19 planning.

20 (3) STAFF.—The office shall have a staff with
21 significant technical expertise in the communications
22 industry. The director may request the detailing,
23 with or without reimbursement, of staff from any
24 appropriate Federal department or agency in order
25 to ensure that the concerns of all such departments

1 and agencies are incorporated into the daily oper-
2 ation of the National Alert System.

3 (b) FUNCTIONS AND RESPONSIBILITIES.—

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

6 (2) IMPLEMENTATION OF WORKING GROUP
7 RECOMMENDATIONS.—The Office shall be respon-
8 sible for implementing the recommendations of the
9 Working Group established by section 105 regard-
10 ing—

11 (A) the technical transmission of alerts;

12 (B) the incorporation of new technologies
13 into the National Alert System;

14 (C) the technical capabilities of the Na-
15 tional Alert System; and

16 (D) any other matters that fall within the
17 duties of the Working Group.

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

21 (A) the National Alert System is available to,
22 and enables, only Federal, State, tribal, or local gov-
23 ernment officials with credentials issued by the Na-
24 tional Alert Office under section 103 to access and
25 utilize the National Alert System;

1 (B) the National Alert System is capable of
2 providing geographically targeted alerts where such
3 alerts are appropriate;

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

6 (D) each proffered alert complies with formats,
7 protocols, and other requirements established by the
8 Office to ensure the efficacy and usefulness of alerts
9 transmitted via the National Alert System;

10 (E) the security and integrity of a National
11 Alert System alert from the point of origination to
12 delivery is maintained; and

13 (F) the security and integrity of the National
14 Alert System is maintained and protected.

15 (c) REPORTS.—

16 (1) ANNUAL REPORTS.—The director shall sub-
17 mit an annual report to the Senate Committee on
18 Commerce, Science, and Transportation, the House
19 of Representatives Committee on Energy and Com-
20 merce, and the House of Representatives Committee
21 on Science on the status of, and plans for, the Na-
22 tional Alert System. In the first annual report, the
23 director shall report on—

1 (A) the progress made toward operational
2 activation of the alerting capabilities of the Na-
3 tional Alert System; and

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

7 (2) 5-YEAR PLAN.—Within 1 year after the
8 date of enactment of this Act and every 5 years
9 thereafter, the director shall publish a 5-year plan
10 that outlines future capabilities and communications
11 platforms for the National Alert System. The plan
12 shall serve as the long-term planning document for
13 the Office.

14 (d) GAO AUDITS.—

15 (1) IN GENERAL.—The Comptroller General
16 shall audit the National Alert Office every 2 years
17 after the date of enactment of this Act and transmit
18 the findings thereof to the Senate Committee on
19 Commerce, Science, and Transportation, the House
20 of Representatives Committee on Energy and Com-
21 merce, and the House of Representatives Committee
22 on Science.

23 (2) RESPONSE REPORT.—If, as a result of the
24 audit, the Comptroller General expresses concern
25 about any matter addressed by the audit, the direc-

1 tor of the National Alert Office shall transmit a re-
2 port to the Senate Committee on Commerce,
3 Science, and Transportation, the House of Rep-
4 resentatives Committee on Energy and Commerce,
5 and the House of Representatives Committee on
6 Science describing what action, if any, the director
7 is taking to respond to any such concern.

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

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

13 (b) MEMBERSHIP.—

14 (1) APPOINTMENT; CHAIR.—The director shall
15 appoint the members of the Working Group as soon
16 as practicable after the date of enactment of this
17 Act and shall serve as its chair. In appointing mem-
18 bers of the Working Group, the director shall ensure
19 that the number of members appointed under para-
20 graph (5) provides appropriate and adequate rep-
21 resentation for all stakeholders and interested and
22 affected parties.

23 (2) FEDERAL AGENCY REPRESENTATIVES.—
24 The director shall appoint appropriate personnel
25 from the National Institute of Standards and Tech-

1 nology, the National Oceanic and Atmospheric Ad-
2 ministration, the Federal Communications Commis-
3 sion, the Federal Emergency Management Agency,
4 the Nuclear Regulatory Commission, and the De-
5 partment of Justice to serve as members of the
6 Working Group. The director may also appoint rep-
7 resentatives of other appropriate Federal agencies to
8 serve as members of the Working Group.

9 (3) STATE, LOCAL, AND TRIBAL GOVERNMENT
10 REPRESENTATIVES.—The director shall appoint rep-
11 resentatives of State, local, and tribal governments
12 and representatives of emergency services personnel,
13 selected from among individuals nominated by na-
14 tional organizations representing such governments
15 and personnel, to serve as members of the Working
16 Group.

17 (4) SUBJECT MATTER EXPERTS.—The director
18 shall appoint individuals who have the requisite tech-
19 nical knowledge and expertise to assist the Working
20 Group in the fulfillment of its duties, including rep-
21 resentatives of—

22 (A) communications service providers;

23 (B) vendors, developers, and manufactur-
24 ers of systems, facilities; equipment, and capa-

1 bilities for the provision of communications
2 services;

3 (C) third-party service bureaus;

4 (D) the national organization representing
5 the licensees and permittees of noncommercial
6 broadcast television stations; and

7 (E) other individuals with technical exper-
8 tise that would enhance the National Alert Sys-
9 tem.

10 (c) DUTIES OF THE WORKING GROUP.—

11 (1) DEVELOPMENT OF SYSTEM-CRITICAL REC-
12 COMMENDATIONS.—Within 1 year after the date of
13 enactment of this Act, the Working Group shall de-
14 velop and transmit to the National Alert Office rec-
15 ommendations for—

16 (A) protocols, including formats, source or
17 originator identification, threat severity, hazard
18 description, and response requirements or rec-
19 ommendations, for alerts to be transmitted via
20 the National Alert System that ensures that
21 alerts are capable of being utilized across the
22 broadest variety of communication technologies,
23 at National, State, and local levels;

1 (B) procedures for verifying, initiating,
2 modifying, and canceling alerts transmitted via
3 the National Alert System;

4 (C) guidelines for the technical capabilities
5 of the National Alert System;

6 (D) guidelines for technical capability that
7 provides for the priority transmission of Na-
8 tional Alert System alerts;

9 (E) guidelines for other capabilities of the
10 National Alert System as specified in this Act;
11 and

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

14 (2) INTEGRATION OF EMERGENCY AND NA-
15 TIONAL ALERT SYSTEMS.—The Working Group shall
16 work with the operators of nuclear power plants and
17 other critical infrastructure facilities to integrate
18 emergency alert systems for those facilities with the
19 National Alert System.

20 (d) MEETINGS.—

21 (1) INITIAL MEETING.—The initial meeting of
22 the Working Group shall take place not later than
23 60 days after the date of the enactment of this Act.

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

4 (3) NOTICE; OPEN MEETINGS.—Any meetings
5 held by the Working Group shall be duly noticed at
6 least 14 days in advance and shall be open to the
7 public.

8 (e) RESOURCES.—

9 (1) FEDERAL AGENCIES.—The Working Group
10 shall have reasonable access to—

11 (A) materials, resources, data, and other
12 information from the National Institute of
13 Standards and Technology, the Department of
14 Commerce and its agencies, the Department of
15 Homeland Security and its bureaus, and the
16 Federal Communications Commission; and

17 (B) the facilities of any such agency for
18 purposes of conducting meetings.

19 (2) GIFTS AND GRANTS.—The Working Group
20 may accept, use, and dispose of gifts or grants of
21 services or property, both real and personal, for pur-
22 poses of aiding or facilitating the work of the Work-
23 ing Group. Gifts or grants not used at the expiration
24 of the Working Group shall be returned to the donor
25 or grantor.

1 (f) RULES.—

2 (1) QUORUM.—One-third of the members of the
3 Working Group shall constitute a quorum for con-
4 ducting business of the Working Group.

5 (2) SUBCOMMITTEES.—To assist the Working
6 Group in carrying out its functions, the chair may
7 establish appropriate subcommittees composed of
8 members of the Working Group and other subject
9 matter experts as deemed necessary.

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

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

16 **SEC. 6. RESEARCH AND DEVELOPMENT.**

17 (a) IN GENERAL.—The director shall establish an ex-
18 tramural research and development program to support
19 the development of technology that will enable all existing
20 and future providers of communications services and all
21 existing and future communications devices to be utilized
22 effectively with the National Alert System.

23 (b) FUNCTIONS.—In carrying out subsection (a) the
24 director shall—

1 (1) fund research and development which may
2 include academia, the private sector, and govern-
3 ment laboratories; and

4 (2) ensure that the program addresses, at a
5 minimum—

6 (A) developing innovative technologies that
7 will transmit geographically targeted emergency
8 messages to the public;

9 (B) enhancing participation in the national
10 alert system;

11 (C) understanding and improving public
12 response to warnings; and

13 (D) enhancing the ability of local commu-
14 nities to integrate the National Alert System
15 into their overall operations management.

16 (c) USE OF EXISTING PROGRAMS AND RE-
17 SOURCES.—In developing the program, the director shall
18 utilize existing programs and expertise of the Department
19 of Commerce, including the National Institute of Stand-
20 ards and Technology.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) DIRECTOR.—The term “director” means
24 the director of the National Alert Office.

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

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

6 (4) WORKING GROUP.—The term “Working
7 Group” means the National Alert System Working
8 Group on the established under section 5.

9 **SEC. 8. FUNDING.**

10 (a) FUNDING.—Funding for this Act shall be pro-
11 vided from the Digital Transition and Public Safety Fund
12 in accordance with section 3010 of the Deficit Reduction
13 Act of 2005.

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

○