

## Calendar No. 321

109TH CONGRESS  
1ST SESSION**S. 1753****[Report No. 109–204]**

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2005

Mr. DEMINT (for himself, Mr. STEVENS, Mr. INOUE, Mr. NELSON of Nebraska, Mr. VITTER, Mr. LOTT, Ms. LANDRIEU and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 8, 2005

Reported under authority of the order of the Senate of November 18, 2005,  
by Mr. STEVENS, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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**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; TABLE OF CONTENTS.**

4       (a) ~~SHORT TITLE.~~—This Act may be cited as the  
5       ~~“Warning, Alert, and Response Network Act”.~~

1       (b) **TABLE OF CONTENTS.**—The table of contents for  
 2 this Act is as follows:

See. 1: Short title; table of contents.  
 See. 2: Establishment of all hazards alert system.  
 See. 3: National program office.  
 See. 4: Working group on national alert system.  
 See. 5: Grant program for remote community alert systems.  
 See. 6: Characteristics of alerts.  
 See. 7: Implementation and use of system.  
 See. 8: Definitions.  
 See. 9: Authorization of appropriations.

3 **SEC. 2. ESTABLISHMENT OF ALL HAZARDS ALERT SYSTEM.**

4       (a) **ESTABLISHMENT.**—There is established an all  
 5 hazards alert system that—

6           (1) will enable any appropriate Federal depart-  
 7 ment or agency or State or local governmental entity  
 8 to alert the public to any imminent threat from nat-  
 9 ural phenomena, accidents, natural disasters, ter-  
 10 rorist activity, and other emergency situations that  
 11 present a significant risk of injury or death to the  
 12 public;

13           (2) will be coordinated with and supplement ex-  
 14 isting Federal, State, and local emergency warning  
 15 and alert system;

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

20           (4) will transmit alerts in response to natural  
 21 hazards, hazardous materials incidents, and terrorist

1 attacks across the greatest possible variety of media;  
2 including digital and analog broadcast, cable, and  
3 satellite television and radio, wireless telecommuni-  
4 cations, and hardwire telecommunications, to reach  
5 the largest portion of the affected population.

6 (b) TECHNOLOGY.—The System—

7 (1) shall incorporate multiple technologies for  
8 effecting mass communications and be designed to  
9 adapt to, and incorporate, future technologies for  
10 communicating directly with the public;

11 (2) include mechanisms and technologies to en-  
12 sure that members of the public with disabilities are  
13 able to receive alerts and information provided  
14 through the System;

15 (3) may not interfere with existing alert, warn-  
16 ing, or emergency communications systems employed  
17 by Federal, State, or local emergency response per-  
18 sonnel;

19 (4) shall be designed to provide alerts over as  
20 diverse a group of media as possible, to include dig-  
21 ital and analog broadcast, cable, and satellite tele-  
22 vision and radio, wireless telecommunications, and  
23 landline communications and technologies for com-  
24 municating within rural communities;

1           (5) shall incorporate existing emergency alert  
2           technologies currently utilized by digital and analog  
3           broadcast, cable, and satellite television and radio;  
4           and

5           (6) shall incorporate technologies to alert tradi-  
6           tionally underserved communities.

7           (c) OFFICIAL ACCESS AND ACTIVATION.—The direc-  
8           tor shall implement procedures that ensure that—

9           (1) the System is available to, and enables,  
10          credentialed personnel to access and utilize the Sys-  
11          tem to provide geographically targeted alerts where  
12          such alerts are appropriate; and

13          (2) the System is available to, and enables,  
14          State and local public safety officials to provide  
15          alerts for hazards within their respective jurisdic-  
16          tions subject to a mechanism developed by the  
17          Working Group for verifying the legitimacy and au-  
18          thenticity of a proffered System alert, ensuring the  
19          proffered alert's compliance with regulations estab-  
20          lished by the Office, and guaranteeing the integrity  
21          of a System alert from the point of origination to  
22          delivery.

23          (d) PUBLIC ACCESS.—The System shall—

24          (1) utilize multiple technologies for providing  
25          alerts to the public, including technologies that do

1 not require members of the public to activate a par-  
2 ticular device or use a particular technology to re-  
3 ceive an alert provided via the System;

4 (2) provide redundant alert mechanisms where  
5 practicable so as to reach the greatest number of  
6 people regardless of whether they have access to, or  
7 utilize, any specific medium of communication or  
8 any particular device; and

9 (3) incorporate means by which an individual  
10 may remove a passive alert device from the System  
11 or otherwise block alerts transmitted through the de-  
12 vice to the individual on a device owned or controlled  
13 by that individual.

14 (e) EAS COORDINATION AND REQUIREMENTS.—The  
15 director shall work with the Federal Communications  
16 Commission to ensure that the System—

17 (1) complements, rather than duplicates, the  
18 current emergency alert system; and

19 (2) obtains the maximum benefit possible from  
20 the utilization of existing research and development,  
21 technologies, and processes developed for or utilized  
22 by the emergency alert system.

23 (f) EMERGENCY ALERT SYSTEM.—Notwithstanding  
24 any other provision of law, all broadcast licensees or per-  
25 mittees engaged in digital broadcasting shall broadcast

1 any emergency alert, including alerts under the emergency  
 2 alert system established pursuant to sections 1, 4, 303,  
 3 and 706 of the Communications Act of 1934 (47 U.S.C.  
 4 151, 154, 303, and 606) governing war emergency powers  
 5 of the President of the United States, at the request of—

- 6 (1) the President of the United States;
- 7 (2) the Secretary of Homeland Security; or
- 8 (3) a governor of a State in which it broad-  
 9 casts.

10 **SEC. 3. NATIONAL PROGRAM OFFICE.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—The National Program Of-  
 13 fice is established within the National Oceanic and  
 14 Atmospheric 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 telecommuni-  
 22 cations industry. The director may request the de-  
 23 tailing, with or without reimbursement, of staff from  
 24 any appropriate Federal department or agency in  
 25 order to ensure that the concerns of all such depart-

ments and agencies are incorporated into the daily operation of the System.

~~(b) FUNCTIONS AND RESPONSIBILITIES.—~~

~~(1) IN GENERAL.—~~The Office shall conduct the day-to-day operation and management of the System.

~~(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—~~The Office shall be responsible for implementing the recommendations of the Working Group established by section 4 regarding—

~~(A) the technical issuance of alerts;~~

~~(B) the incorporation of new technologies into the System; and~~

~~(C) the technical capabilities of the System.~~

~~(c) REPORTS.—~~

~~(1) INITIAL PROGRESS REPORT.—~~Fifteen months after the date of enactment of this Act, the director shall transmit a report to the President, the Senate Committee on Commerce, Science, and Transportation and Committee on Homeland Security and Governmental Affairs and the House of Representatives Committee on Energy and Commerce and Committee on Homeland Security concerning—

1           (A) the progress made toward operational  
2           activation of the System; and

3           (B) the anticipated date on which the Sys-  
4           tem will be activated.

5           (2) ANNUAL REPORTS.—The director shall sub-  
6           mit an annual report to the Senate Committee on  
7           Commerce, Science, and Transportation and Com-  
8           mittee on Homeland Security and Governmental Af-  
9           fairs and the House of Representatives Committee  
10          on Energy and Commerce and Committee on Home-  
11          land Security on the status of, and plans for, the  
12          System.

13          (3) 5-YEAR PLAN.—Within 1 year after the  
14          date of enactment of this Act and every 5 years  
15          thereafter, the director shall publish a 5-year plan  
16          that outlines future capabilities and warning tech-  
17          nologies for the System. The plan shall serve as the  
18          long-term planning document for the Office.

19          (d) RESEARCH AND DEVELOPMENT PROGRAM.—The  
20          director shall establish a research and development pro-  
21          gram to support the development of technology that will  
22          enable all existing and future providers of communications  
23          services and all existing and future communications de-  
24          vices to be utilized effectively with the System.



1 **SEC. 4. WORKING GROUP ON NATIONAL ALERT SYSTEM.**

2       (a) ~~ESTABLISHMENT OF WORKING GROUP.~~—Not  
3 later than 60 days after the date of enactment of this Act,  
4 the director of the National Program Office shall establish  
5 a working group, to be known as the Working Group on  
6 the National Alert System. The director of the Office shall  
7 serve as chairperson of the Working Group.

8       (b) ~~MEMBERSHIP.~~—

9           (1) ~~FEDERAL GOVERNMENT.~~—The membership  
10 of the Working Group shall include appropriate per-  
11 sonnel from the National Institute of Standards and  
12 Technology, the National Oceanic and Atmospheric  
13 Administration, the Federal Communications Com-  
14 mission, and the Federal Emergency Management  
15 Agency. The chair may also include in the Working  
16 Group representatives of other Federal agencies as  
17 appropriate.

18           (2) ~~STATE AND LOCAL GOVERNMENTS, ETC.~~—  
19 The Working Group shall include 8 representatives  
20 from State and local governments and 5 representa-  
21 tives of emergency services personnel, selected by na-  
22 tional organizations representing such governments  
23 and personnel.

24           (3) ~~COMMUNICATIONS SERVICE PROVIDERS.~~—  
25 Membership in the Working Group shall be open to  
26 representatives of—

1           (A) communications service providers;  
2           (B) vendors, developers, and manufactur-  
3           ers of facilities, equipment, and capabilities for  
4           the provision of communications services; and  
5           (C) trusted third party service bureaus,  
6           who have the requisite technical knowledge and ex-  
7           pertise to assist the Working Group in the fulfill-  
8           ment of its duties.

9           (4) APPOINTMENTS.—The initial meeting of the  
10          Working Group shall take place not later than 60  
11          days after the date of the enactment of this Act.

12          (5) VACANCIES.—Any vacancy in the Working  
13          Group shall not affect its powers, but shall be filled  
14          in the same manner as the original appointment.

15          (c) DUTIES OF THE WORKING GROUP.—Not later  
16          than 1 year after the enactment of this Act, the Working  
17          Group shall transmit to the director—

18               (1) a description of the emergency alert service  
19               to be provided by the System;

20               (2) guidelines for the technical capabilities of  
21               the System;

22               (3) guidelines for technical capability that pro-  
23               vides for the priority transmission of System alerts;

24               (4) guidelines for the other capabilities of the  
25               System as specified in this Act; and

1           (5) standards to which the equipment and tech-  
2           nologies in the System must conform.

3           (d) ACCEPTANCE OF GIFTS AND GRANTS.—The  
4           Working Group may accept, use, and dispose of gifts or  
5           grants of services or property, both real and personal, for  
6           purposes of aiding or facilitating the work of the Working  
7           Group. Gifts or grants not used at the expiration of the  
8           Working Group shall be returned to the donor or grantor.

9           (e) OTHER RESOURCES.—The Working Group shall  
10          have reasonable access to—

11           (1) materials, resources, data, and other infor-  
12          mation from the National Institute of Standards and  
13          Technology, the Department of Commerce and its  
14          agencies, the Department of Homeland Security and  
15          its bureaus, and the Federal Communications Com-  
16          mission; and

17           (2) the facilities of any such agency for pur-  
18          poses of conducting meetings.

19          (f) RULES OF THE WORKING GROUP.—

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

23           (2) MEETINGS.—The chairperson shall convene  
24          meetings. Any meetings held by the Working Group

1 shall be duly noticed at least 14 days in advance and  
 2 shall be open to the public.

3 ~~(3) PUBLIC NOTICE AND COMMENT.~~—The  
 4 Working Group shall provide public notice and an  
 5 opportunity for public comment on each of the mat-  
 6 ters committed to it.

7 ~~(4) SUBCOMMITTEES.~~—To assist the Working  
 8 Group in carrying out its functions, the chairperson  
 9 may establish appropriate subcommittees composed  
 10 of members of the Working Group and other subject  
 11 matter experts as deemed necessary.

12 ~~(5) ADDITIONAL RULES.~~—The Working Group  
 13 may adopt other rules as needed.

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

18 **SEC. 5. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT**  
 19 **SYSTEMS.**

20 ~~(a) GRANT PROGRAM.~~—The Office shall establish a  
 21 program under which grants may be made to provide for  
 22 the installation of technologies in remote communities ef-  
 23 fectively unserved by broadcast and wireless technologies  
 24 for the purpose of enabling residents of those communities  
 25 to receive System alerts.

1       (b) APPLICATIONS AND CONDITIONS.—In conducting  
2 the program, the director of the Office—

3           (1) shall establish a notification and application  
4 procedure; and

5           (2) may establish such conditions; and require  
6 such assurances; as may be appropriate to ensure  
7 the efficiency and integrity of the grant program.

8 **SEC. 6. CHARACTERISTICS OF ALERTS.**

9       (a) IN GENERAL.—The System shall be capable of—

10           (1) notifying the public of hazardous situations  
11 that pose an imminent threat to the public health or  
12 safety;

13           (2) providing appropriate instructions for ac-  
14 tions to be taken by individuals affected or poten-  
15 tially affected by such a situation;

16           (3) transmitting public address by Federal;  
17 State; or local officials; and

18           (4) notifying the public of when the hazardous  
19 situation has ended or brought under control.

20       (b) EVENT ELIGIBILITY REGULATIONS.—The Office  
21 shall by regulation specify—

22           (1) the classes of events or situations for which  
23 the System may be used to alert the public; and

24           (2) the types of alerts that may be transmitted  
25 by or through use of the System.

1       ~~(c) VOLUNTARY ALERTS RETRANSMITTAL.—~~The  
 2 System shall be capable of transmitting alerts that are not  
 3 of a nature described in subsection (a) subject to the re-  
 4 quirement that any recipient of such an alert shall take  
 5 appropriate action to receive the alert.

6 **SEC. 7. IMPLEMENTATION AND USE OF SYSTEM.**

7       ~~(a) CREDENTIALING.—~~

8           ~~(1) IN GENERAL.—~~The System shall include a  
 9 credentialing process for public officials with respon-  
 10 sibility for issuing safety warnings to the public that  
 11 will enable them to access the System.

12          ~~(2) REVIEW OF REQUESTS.—~~The Office shall  
 13 review and approve requests for credentials from  
 14 Federal, State, and local government agencies. All  
 15 such requests shall be submitted to the Office by the  
 16 head of the Federal department or agency, or the  
 17 governor of the State, concerned.

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 System only for alerts that are consistent

1 with the jurisdiction, authority, and basis for  
2 eligibility of the individual credentialed to use  
3 the System.

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

5 ~~(A) establish a periodic training program~~  
6 ~~for individuals credentialed to use the System;~~  
7 ~~and~~

8 ~~(B) require credentialed individuals to un-~~  
9 ~~dergo periodic training under the program as a~~  
10 ~~prerequisite for retaining their credentials to~~  
11 ~~use the system.~~

12 ~~(b) ACCESS POINTS.—The System shall provide—~~

13 ~~(1) widely dispersed multiple access points to~~  
14 ~~credentialed Federal, State, and local officials to~~  
15 ~~input appropriate alerts into the System for retrans-~~  
16 ~~mission to citizens; and~~

17 ~~(2) system redundancies to ensure functionality~~  
18 ~~in the event of partial system failures, power fail-~~  
19 ~~ures, or other interruptive events.~~

20 ~~(c) OPERATIONAL ANNOUNCEMENT.—The director of~~  
21 ~~the National Program Office shall notify the President~~  
22 ~~and the Congress when the System is operational, ready~~  
23 ~~to be deployed, and capable of transmitting alerts across~~  
24 ~~a variety of media to the public.~~

25 ~~(d) ELECTION TO CARRY SERVICE.—~~

1           ~~(1) AMENDMENT OF LICENSE.—~~Within 60 days  
 2           after the date of enactment of this Act, the Federal  
 3           Communications Commission shall initiate a pro-  
 4           ceeding—

5                     ~~(A) to allow any licensee providing mobile~~  
 6                     ~~service (as defined in section 3(27) of the Com-~~  
 7                     ~~munications Act of 1934 (47 U.S.C. 153(27)))~~  
 8                     ~~to transmit System alerts to all subscribers to,~~  
 9                     ~~or users of, such service; and~~

10                    ~~(B) to require any such licensee who elects~~  
 11                    ~~under paragraph (2) not to participate in the~~  
 12                    ~~transmission of System alerts; to disclose to po-~~  
 13                    ~~tential subscribers to its mobile service; at the~~  
 14                    ~~point of sale of any devices with which its serv-~~  
 15                    ~~ice is included; that it will not transmit System~~  
 16                    ~~alerts via its service.~~

17           ~~(2) ELECTION TO CARRY SERVICE.—~~

18                     ~~(A) IN GENERAL.—~~Within 60 days after  
 19                     transmittal by the Working Group of the re-  
 20                     quirements under section 4(e), each such li-  
 21                     censee shall—

22                             ~~(i) file an election with the Commis-~~  
 23                             ~~sion with respect to whether or not it in-~~  
 24                             ~~tends to participate in the transmission of~~  
 25                             ~~System alerts; and~~



1                   (ii) if it elects to participate, certify to  
 2                   the Commission that it will do so in a  
 3                   manner consistent with the standards and  
 4                   protocols implemented by the National  
 5                   Program Office.

6                   ~~(B) WITHDRAWAL FROM OR LATER ENTRY~~  
 7                   ~~INTO SYSTEM.~~—The Commission shall establish  
 8                   a procedure for—

9                   (i) participating licensees to withdraw  
 10                  from the System; and

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

14                  ~~(3) LIMITATION OF LIABILITY.~~—A licensee de-  
 15                  scribed in paragraph ~~(1)~~ shall not be liable to any  
 16                  subscriber to, or user of, such licensee's mobile serv-  
 17                  ice for—

18                  ~~(A)~~ any act or omission related to or any  
 19                  harm resulting from the transmission of, or  
 20                  failure to transmit, a System alert to such sub-  
 21                  scriber or user;

22                  ~~(B)~~ the failure, deficiency, or malfunction  
 23                  of any network, equipment, or facility of the  
 24                  provider or any other person, or the lack of cov-  
 25                  erage or network capacity;

1           (C) the discontinuation of service or the  
2           unavailability of any networks, equipment, or  
3           facility of the provider or any other person; or

4           (D) the release to a government agency or  
5           entity, public safety, fire service or law enforce-  
6           ment official or emergency facility of subscriber  
7           information related to emergency alert mes-  
8           sages.

9       (c) ~~DIGITAL TELEVISION TRANSMISSION TOWERS.—~~

10       (1) ~~RETRANSMISSION CAPABILITY.—~~Within 30  
11       days after the date of enactment of this Act, the  
12       Federal Communications Commission shall initiate a  
13       proceeding to require public broadcast television li-  
14       censees and permittees to install necessary equip-  
15       ment and technologies on, or as part of, any broad-  
16       cast television digital signal transmitter for the re-  
17       ception, relay, and retransmission of System alerts.

18       (2) ~~COMPENSATION.—~~The National Program  
19       Office established pursuant to section 3 shall com-  
20       pensate any such licensee or permittee for costs in-  
21       curred in complying with the requirements imposed  
22       pursuant to paragraph (1).

23       (f) ~~FCC REGULATION OF COMPLIANCE.—~~Except as  
24       provided in subsections (d) and (e), the Federal Commu-  
25       nications Commission shall have no regulatory authority

1 under this Act except to regulate compliance with this Act  
 2 by licensees and permittees regulated by the Commission  
 3 under the Communications Act of 1934 (47 U.S.C. 151  
 4 et seq.).

5 **SEC. 8. DEFINITIONS.**

6 In this Act:

7 (1) **DIRECTOR.**—The term “director” means  
 8 the director of the National Program Office.

9 (2) **OFFICE.**—The term “Office” means the  
 10 National Program Office.

11 (3) **SYSTEM.**—The term “System” means the  
 12 national alert system operated and managed by the  
 13 Office.

14 (4) **WORKING GROUP.**—The term “Working  
 15 Group” means the Working Group on the National  
 16 Alert System established in section 4.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Un-  
 19 dersecretary of Commerce for Oceans and Atmosphere  
 20 \$250,000,000 for fiscal year 2006 to carry out this Act,  
 21 such sum to remain available until expended.

22 **SECTION 1. TABLE OF CONTENTS.**

23 *The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*

*TITLE I—NATIONAL ALERT SYSTEM*

*Sec. 101. Short title.*

*Sec. 102. National Alert System.*

- Sec. 103. *Implementation and use.*  
 Sec. 104. *National Alert Office.*  
 Sec. 105. *National Alert System Working Group.*  
 Sec. 106. *Research and development.*  
 Sec. 107. *Grant program for remote community alert systems.*  
 Sec. 108. *Public familiarization, outreach, and response instructions.*  
 Sec. 109. *Telecommunications infrastructure restoration, preparedness, and response.*  
 Sec. 110. *Definitions.*  
 Sec. 111. *Funding.*

## *TITLE II—TSUNAMI PREPAREDNESS*

- Sec. 201. *Short title.*  
 Sec. 202. *Findings and purposes.*  
 Sec. 203. *Tsunami detection and warning system.*  
 Sec. 204. *Tsunami hazard mitigation program.*  
 Sec. 205. *Tsunami research program.*  
 Sec. 206. *Tsunami system upgrade and modernization.*  
 Sec. 207. *Global tsunami warning and mitigation network.*  
 Sec. 208. *Coastal community vulnerability and adaptation program.*  
 Sec. 209. *Authorization of appropriations.*

# **TITLE I—NATIONAL ALERT SYSTEM**

## **SEC. 101. SHORT TITLE.**

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

## **SEC. 102. NATIONAL ALERT SYSTEM.**

*(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.*

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

*(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 103 to alert*

1        *the public to any imminent threat that presents a sig-*  
 2        *nificant risk of injury or death to the public;*

3            *(2) will be coordinated with and supplement ex-*  
 4        *isting Federal, State, trival, and local emergency*  
 5        *warning and alert systems;*

6            *(3) will be flexible enough in its application to*  
 7        *permit narrowly targeted alerts in circumstances in*  
 8        *which only a small geographic area is exposed or po-*  
 9        *tentially exposed to the threat; and*

10          *(4) will transmit alerts across the greatest pos-*  
 11        *sible variety of communications technologies, includ-*  
 12        *ing digital and analog broadcasts, cable and satellite*  
 13        *television, satellite and terrestrial radio, wireless com-*  
 14        *munications, wireline communications, and the Inter-*  
 15        *net to reach the largest portion of the affected popu-*  
 16        *lation.*

17        *(c) CAPABILITIES.—The National Alert System—*

18            *(1) shall incorporate multiple communications*  
 19        *technologies and be designed to adapt to, and incor-*  
 20        *porate, future technologies for communicating directly*  
 21        *with the public;*

22            *(2) shall include mechanisms and technologies to*  
 23        *ensure that members of the public with disabilities*  
 24        *and older individuals (as defined in section 102(35)*  
 25        *of the Older Americans Act of 1965 (42 U.S.C.*

1       3002(35))) are able to receive alerts and information  
 2       provided through the National Alert System;

3           (3) 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 analog  
 9       broadcast, cable, and satellite television and satellite  
 10      and terrestrial radio;

11          (4) shall not be based upon any single technology  
 12      or platform, but shall be designed to provide alerts to  
 13      the largest portion of the affected population feasible  
 14      and improve the ability of remote areas to receive  
 15      alerts;

16          (5) shall incorporate technologies to alert effec-  
 17      tively underserved communities (as determined by the  
 18      Commission under section 107(a) of this title);

19          (6) shall be capable of providing information in  
 20      languages other than, and in addition to, English  
 21      where necessary or appropriate; and

22          (7) shall be designed to promote community pre-  
 23      paredness and response.

24      (d) *RECEPTION OF ALERTS.*—The National Alert Sys-  
 25      tem shall—

1           (1) *utilize multiple technologies for providing*  
 2           *alerts to the public, including technologies that do not*  
 3           *require members of the public to activate a particular*  
 4           *device or use a particular technology to receive an*  
 5           *alert provided via the National Alert System; and*

6           (2) *provide redundant alert mechanisms where*  
 7           *practicable so as to reach the greatest number of peo-*  
 8           *ple regardless of whether they have access to, or uti-*  
 9           *lize, any specific medium of communication or any*  
 10          *particular device.*

11          (e) *EXISTING FEDERAL WARNING SYSTEM COORDINA-*  
 12          *TION.—The director shall work with the Federal Commu-*  
 13          *nications Commission and other relevant Federal agencies*  
 14          *to ensure that the National Alert System—*

15               (1) *complements, rather than duplicates, existing*  
 16               *Federal alert systems; and*

17               (2) *obtains the maximum benefit possible from*  
 18               *the utilization of existing research and development,*  
 19               *technologies, and processes developed for or utilized by*  
 20               *existing Federal alert systems.*

21          (f) *EMERGENCY ALERT SYSTEM.—Within 1 year after*  
 22          *the date of enactment of this Act, the Federal Communica-*  
 23          *tions Commission shall—*

24               (1) *complete its proceeding Review of the Emer-*  
 25               *gency Alert System, EB Docket No. 04-296;*

1           (2) *ensure that the President, the Secretary of*  
 2           *Homeland Security, and State Governors have access*  
 3           *to the emergency alert system; and*

4           (3) *ensure that the Emergency Alert System can*  
 5           *transmit in languages other than English.*

6 **SEC. 103. IMPLEMENTATION AND USE.**

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

8           (1) *IN GENERAL.—The National Alert Office*  
 9           *shall establish a process for issuing credentials to Fed-*  
 10          *eral, State, tribal, or local government officials with*  
 11          *responsibility for issuing safety warnings to the pub-*  
 12          *lic that will enable them to access the National Alert*  
 13          *System.*

14          (2) *REQUESTS FOR CREDENTIALS.—Requests for*  
 15          *credentials from Federal, State, tribal, and local gov-*  
 16          *ernment agencies shall be submitted to the Office by*  
 17          *the head of the Federal department or agency, or the*  
 18          *governor of the State or the elected leader of a Feder-*  
 19          *ally recognized Indian tribe, concerned, for review*  
 20          *and approval.*

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

23                  (A) *establish eligibility criteria for issuing,*  
 24                  *renewing, and revoking access credentials;*



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

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

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

10           (A) establish a periodic training program  
11           for Federal, State, tribal, or local government of-  
12           ficials with credentials to use the National Alert  
13           System; and

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

18           (b) ALLOWABLE ALERTS.—

19           (1) IN GENERAL.—Any alert transmitted via the  
20           National Alert System, other than an alert described in  
21           paragraph (3), shall meet 1 or more of the following re-  
22           quirements:

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

1           (B) An alert shall provide appropriate in-  
 2           structions for actions to be taken by individuals  
 3           affected or potentially affected by such a situa-  
 4           tion.

5           (C) An alert shall transmit public addresses  
 6           by Federal, State, tribal, or local officials when  
 7           necessary.

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

11          (2) *EVENT ELIGIBILITY REGULATIONS.*—The di-  
 12          rector of the National Alert Office, in consultation  
 13          with the Working Group, shall by regulation speci-  
 14          fy—

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

18               (B) the content of the types of alerts that  
 19               may be transmitted by or through use of the Na-  
 20               tional Alert System, which may include—

21                   (i) notifications to the public of a haz-  
 22                   ardous situation that poses an imminent  
 23                   threat to the public health or safety accom-  
 24                   panied by appropriate instructions for ac-

1                    *tions to be taken by individuals affected or*  
 2                    *potentially affected by such a situation; and*  
 3                    *(ii) when technologically feasible public*  
 4                    *addresses by Federal, State, tribal, or local*  
 5                    *officials if necessary.*

6                    (3) *OPT-IN PROCEDURES FOR OPTIONAL*  
 7                    *ALERTS.—The director of the Office may establish a*  
 8                    *procedure under which localized traffic, weather, com-*  
 9                    *munity, or other non-emergency alerts may be trans-*  
 10                    *mitted via the National Alert System in a manner*  
 11                    *that enables them to be received only by individuals*  
 12                    *who take appropriate action to receive such alerts.*

13                    (c) *ACCESS POINTS.—The National Alert System shall*  
 14                    *provide—*

15                    (1) *secure, widely dispersed multiple access*  
 16                    *points to Federal, State, or local government officials*  
 17                    *with credentials that will enable them to initiate*  
 18                    *alerts for transmission to the public via the National*  
 19                    *Alert System; and*

20                    (2) *system redundancies to ensure functionality*  
 21                    *in the event of partial system failures, power failures,*  
 22                    *or other interruptive events.*

23                    (d) *ELECTION TO CARRY SERVICE.—*

24                    (1) *AMENDMENT OF LICENSE.—Within 60 days*  
 25                    *after the date on which the National Alert Office*

1        *adopts relevant technical standards based on rec-*  
 2        *ommendations of the Working Group, the Federal*  
 3        *Communications Commission shall initiate a pro-*  
 4        *ceeding and subsequently issue an order—*

5                *(A) to allow any licensee providing com-*  
 6                *mercial mobile service (as defined in section*  
 7                *332(d)(1) of the Communications Act of 1934*  
 8                *(47 U.S.C. 332(d)(1))) to transmit National*  
 9                *Alert System alerts to all subscribers to, or users*  
 10               *of, such service; and*

11               *(B) to require any such licensee who elects*  
 12               *under paragraph (2) not to participate in the*  
 13               *transmission of National Alert System alerts, to*  
 14               *provide clear and conspicuous notice at the point*  
 15               *of sale of any devices with which its service is*  
 16               *included, that it will not transmit National*  
 17               *Alert System alerts via its service.*

18        *(2) ELECTION TO CARRY SERVICE.—*

19               *(A) IN GENERAL.—Within 30 days after the*  
 20               *Commission issues its order under paragraph*  
 21               *(1), each such licensee shall file an election with*  
 22               *the Commission with respect to whether or not it*  
 23               *intends to participate in the transmission of Na-*  
 24               *tional Alert System alerts.*

1           (B) *PARTICIPATION.*—*If a licensee elects to*  
 2           *participate in the transmission of National Alert*  
 3           *System alerts, the licensee shall certify to the*  
 4           *Commission that it will participate in a manner*  
 5           *consistent with the standards and protocols im-*  
 6           *plemented by the National Alert Office.*

7           (C) *ADVERTISING.*—*Nothing in this title*  
 8           *shall be construed to prevent a licensee from ad-*  
 9           *vertising that it participates in the transmission*  
 10          *of National Alert System alerts.*

11          (D) *WITHDRAWAL FROM OR LATER ENTRY*  
 12          *INTO SYSTEM.*—*The Commission shall establish a*  
 13          *procedure for—*

14               (i) *participating licensees to withdraw*  
 15               *from the National Alert System upon notifi-*  
 16               *cation of its withdrawal to its existing sub-*  
 17               *scribers; and*

18               (ii) *licensees to enter the National*  
 19               *Alert System at a date later than provided*  
 20               *in subparagraph (A).*

21          (E) *CONSUMER CHOICE TECHNOLOGY.*—  
 22          *Any licensee electing to participate in the trans-*  
 23          *mission of National Alert System alerts may*  
 24          *offer subscribers the capability of preventing the*  
 25          *subscriber's device from receiving alerts broad-*

1           *cast by the system other than an alert issued by*  
 2           *the President.*

3           (3) *EXPANSION OF CLASS OF LICENSEES PAR-*  
 4           *TICIPATING.—The Commission, in consultation with*  
 5           *the National Alert Office, may expand the class of li-*  
 6           *censees allowed to participate in the transmission of*  
 7           *National Alert System alerts subject to such require-*  
 8           *ments as the Commission, in consultation with the*  
 9           *National Alert Office, determines to be necessary or*  
 10          *appropriate—*

11                   *(A) to ensure the broadest feasible propaga-*  
 12                   *tion of alerts transmitted by the National Alert*  
 13                   *System to the public; and*

14                   *(B) to ensure that the functionality, integ-*  
 15                   *egrity, and security of the National Alert System*  
 16                   *is not compromised.*

17          (e) *DIGITAL TELEVISION TRANSMISSION TOWERS.—*

18           (1) *RETRANSMISSION CAPABILITY.—Within 30*  
 19           *days after the date of enactment of this Act, the Fed-*  
 20           *eral Communications Commission shall initiate a*  
 21           *proceeding to require public broadcast television li-*  
 22           *censees and permittees to install necessary equipment*  
 23           *and technologies on, or as part of, any broadcast tele-*  
 24           *vision digital signal transmitter to enable the trans-*

1        *mitter to serve as a backbone for the reception, relay,*  
 2        *and retransmission of National Alert System alerts.*

3            (2) *COMPENSATION.*—*The National Alert Office*  
 4        *established by section 104 shall compensate any such*  
 5        *licensee or permittee for costs incurred in complying*  
 6        *with the requirements imposed pursuant to para-*  
 7        *graph (1).*

8            (f) *LIMITATION OF LIABILITY.*—*Any person that par-*  
 9        *ticipates in the transmission of National Alert System*  
 10       *alerts and that meets its obligations under this title shall*  
 11       *not be liable to any subscriber to, or user of, such person's*  
 12       *service or equipment for any act or omission related to or*  
 13       *any harm resulting from the transmission of, or failure to*  
 14       *transmit, a National Alert System alert to such subscriber*  
 15       *or user.*

16           (g) *TESTING.*—*The director shall establish testing cri-*  
 17        *teria and guidelines for licensees that elect to participate*  
 18        *in the transmission of National Alert System alerts.*

19        **SEC. 104. NATIONAL ALERT OFFICE.**

20           (a) *ESTABLISHMENT.*—

21            (1) *IN GENERAL.*—*The National Alert Office is*  
 22        *established within the National Oceanic and Atmos-*  
 23        *pheric Administration.*

24            (2) *DIRECTOR.*—*The office shall be headed by a*  
 25        *director with at least 5 years' operational experience*

1        *in the management and issuance of warnings and*  
 2        *alerts, hazardous event management, or disaster plan-*  
 3        *ning.*

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

12       (b) *FUNCTIONS AND RESPONSIBILITIES.*—

13            (1) *IN GENERAL.*—*The Office shall administer,*  
 14        *operate, and manage the National Alert System.*

15            (2) *IMPLEMENTATION OF WORKING GROUP REC-*  
 16        *OMMENDATIONS.*—*The Office shall be responsible for*  
 17        *implementing the recommendations of the Working*  
 18        *Group established by section 105 regarding—*

19                    (A) *the technical transmission of alerts;*

20                    (B) *the incorporation of new technologies*  
 21        *into the National Alert System;*

22                    (C) *the technical capabilities of the Na-*  
 23        *tional Alert System; and*

24                    (D) *any other matters that fall within the*  
 25        *duties of the Working Group.*



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

4               (A) *the National Alert System is available*  
5 *to, and enables, only Federal, State, tribal, or*  
6 *local government officials with credentials issued*  
7 *by the National Alert Office under section 103 to*  
8 *access and utilize the National Alert System;*

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

12              (C) *the legitimacy and authenticity of any*  
13 *proffered alert is verified before it is transmitted;*

14              (D) *each proffered alert complies with for-*  
15 *mats, protocols, and other requirements estab-*  
16 *lished by the Office to ensure the efficacy and*  
17 *usefulness of alerts transmitted via the National*  
18 *Alert System;*

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

22              (F) *the security and integrity of the Na-*  
23 *tional Alert System is maintained and protected.*

24       (c) *REPORTS.—*

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

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

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

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

21           (d) *GAO AUDITS.*—

22                    (1) *IN GENERAL.*—*The Comptroller General shall*  
 23                    *audit the National Alert Office every 3 years after the*  
 24                    *date of enactment of this Act and periodically there-*  
 25                    *after and transmit the findings thereof to the Senate*

1        *Committee on Commerce, Science, and Transpor-*  
 2        *tation, the House of Representatives Committee on*  
 3        *Energy and Commerce, and the House of Representa-*  
 4        *tives Committee on Science.*

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

15    **SEC. 105. NATIONAL ALERT SYSTEM WORKING GROUP.**

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

20        (b) *MEMBERSHIP.*—

21            (1) *APPOINTMENT; CHAIR.*—*The director shall*  
 22        *appoint the members of the Working Group as soon*  
 23        *as practicable after the date of enactment of this Act*  
 24        *and shall serve as its chair. In appointing members*  
 25        *of the Working Group, the director shall ensure that*

1        *the number of members appointed under paragraph*  
2        *(5) provides appropriate and adequate representation*  
3        *for all stakeholders and interested and affected par-*  
4        *ties.*

5                (2) *FEDERAL AGENCY REPRESENTATIVES.—The*  
6        *director shall appoint appropriate personnel from the*  
7        *National Institute of Standards and Technology, the*  
8        *National Oceanic and Atmospheric Administration,*  
9        *the Federal Communications Commission, the Federal*  
10       *Emergency Management Agency, the Nuclear Regu-*  
11       *latory Commission, and the Department of Justice to*  
12       *serve as members of the Working Group. The director*  
13       *may also appoint representatives of other appropriate*  
14       *Federal agencies to serve as members of the Working*  
15       *Group .*

16               (3) *STATE AND LOCAL GOVERNMENT REPRESENT-*  
17       *ATIVES.—The director shall appoint representatives of*  
18       *State and local governments and representatives of*  
19       *emergency services personnel, selected from among in-*  
20       *dividuals nominated by national organizations rep-*  
21       *resenting such governments and personnel, to serve as*  
22       *members of the Working Group.*

23               (4) *TRIBAL GOVERNMENTS.—The director shall*  
24       *appoint representatives from Federally recognized In-*  
25       *dian tribes and National Indian organizations.*

1           (5) *SUBJECT MATTER EXPERTS.*—*The director*  
 2           *shall appoint individuals who have the requisite tech-*  
 3           *nical knowledge and expertise to assist the Working*  
 4           *Group in the fulfillment of its duties, including rep-*  
 5           *resentatives of—*

6                       (A) *communications service providers;*

7                       (B) *vendors, developers, and manufacturers*  
 8                       *of systems, facilities; equipment, and capabilities*  
 9                       *for the provision of communications services;*

10                      (C) *third-party service bureaus;*

11                      (D) *technical experts from the broadcasting*  
 12                      *industry;*

13                      (E) *the national organization representing*  
 14                      *the licensees and permittees of noncommercial*  
 15                      *broadcast television stations; and*

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

19           (c) *DUTIES OF THE WORKING GROUP.*—

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

1           (A) protocols, including formats, source or  
 2           originator identification, threat severity, hazard  
 3           description, and response requirements or rec-  
 4           ommendations, for alerts to be transmitted via  
 5           the National Alert System that ensures that  
 6           alerts are capable of being utilized across the  
 7           broadest variety of communication technologies,  
 8           at National, State, and local levels;

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

12          (C) guidelines for the technical capabilities  
 13          of the National Alert System;

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

17          (E) guidelines for other capabilities of the  
 18          National Alert System as specified in this title;  
 19          and

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

22          (2) *INTEGRATION OF EMERGENCY AND NATIONAL*  
 23          *ALERT SYSTEMS.*—The Working Group shall work  
 24          with the operators of nuclear power plants and other  
 25          critical infrastructure facilities to integrate emer-

1        *gency alert systems for those facilities with the Na-*  
 2        *tional Alert System.*

3        *(d) MEETINGS.—*

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

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

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

14        *(e) RESOURCES.—*

15            *(1) FEDERAL AGENCIES.—The Working Group*  
 16        *shall have reasonable access to—*

17            *(A) materials, resources, data, and other in-*  
 18        *formation from the National Institute of Stand-*  
 19        *ards and Technology, the Department of Com-*  
 20        *merce and its agencies, the Department of Home-*  
 21        *land Security and its bureaus, and the Federal*  
 22        *Communications Commission; and*

23            *(B) the facilities of any such agency for*  
 24        *purposes of conducting meetings.*

1           (2) *GIFTS AND GRANTS.*—*The Working Group*  
 2           *may accept, use, and dispose of gifts or grants of serv-*  
 3           *ices or property, both real and personal, for purposes*  
 4           *of aiding or facilitating the work of the Working*  
 5           *Group. Gifts or grants not used at the expiration of*  
 6           *the Working Group shall be returned to the donor or*  
 7           *grantor.*

8           (f) *RULES.*—

9           (1) *QUORUM.*—*One-third of the members of the*  
 10          *Working Group shall constitute a quorum for con-*  
 11          *ducting business of the Working Group.*

12          (2) *SUBCOMMITTEES.*—*To assist the Working*  
 13          *Group in carrying out its functions, the chair may*  
 14          *establish appropriate subcommittees composed of*  
 15          *members of the Working Group and other subject mat-*  
 16          *ter experts as deemed necessary.*

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

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

23   **SEC. 106. RESEARCH AND DEVELOPMENT.**

24          (a) *IN GENERAL.*—*The director shall establish an ex-*  
 25          *tramural research and development program to support the*



1 *development of technology that will enable all existing and*  
 2 *future providers of communications services and all existing*  
 3 *and future communications devices to be utilized effectively*  
 4 *with the National Alert System.*

5 (b) *FUNCTIONS.—In carrying out subsection (a) the*  
 6 *director shall—*

7 (1) *fund research and development which may*  
 8 *include academia, the private sector, and government*  
 9 *laboratories; and*

10 (2) *ensure that the program addresses, at a min-*  
 11 *imum—*

12 (A) *developing innovative technologies that*  
 13 *will transmit geographically targeted emergency*  
 14 *messages to the public;*

15 (B) *enhancing participation in the national*  
 16 *alert system;*

17 (C) *understanding and improving public*  
 18 *response to warnings; and*

19 (D) *enhancing the ability of local commu-*  
 20 *nities to integrate the National Alert System*  
 21 *into their overall operations management.*

22 (c) *USE OF EXISTING PROGRAMS AND RESOURCES.—*  
 23 *In developing the program, the director shall utilize existing*  
 24 *programs and expertise of the Department of Commerce, in-*

1 *cluding the National Institute of Standards and Tech-*  
 2 *nology.*

3 **SEC. 107. GRANT PROGRAM FOR REMOTE COMMUNITY**  
 4 **ALERT SYSTEMS.**

5 (a) *GRANT PROGRAM.*—*The Undersecretary of Com-*  
 6 *merce for Oceans and Atmosphere shall establish a program*  
 7 *under which grants may be made to provide for the installa-*  
 8 *tion of technologies in remote communities effectively*  
 9 *unserved by commercial mobile radio service (as determined*  
 10 *by the Federal Communications Commission within 180*  
 11 *days after the date of enactment of this Act) for the purpose*  
 12 *of enabling residents of those communities to receive Na-*  
 13 *tional Alert System alerts.*

14 (b) *APPLICATIONS AND CONDITIONS.*—*In conducting*  
 15 *the program, the Undersecretary—*

16 (1) *shall establish a notification and application*  
 17 *procedure; and*

18 (2) *may establish such conditions, and require*  
 19 *such assurances, as may be appropriate to ensure the*  
 20 *efficiency and integrity of the grant program.*

21 (c) *SUNSET.*—*The Undersecretary may not make*  
 22 *grants under subsection (a) more than 5 years after the date*  
 23 *of enactment of this Act.*

1 **SEC. 108. PUBLIC FAMILIARIZATION, OUTREACH, AND RE-**  
 2 **SPONSE INSTRUCTIONS.**

3       *The director of the National Office, in consultation*  
 4 *with the Working Group, shall conduct a program of public*  
 5 *outreach to ensure that the public is aware of the National*  
 6 *Alert System and understands its capabilities and uses for*  
 7 *emergency preparedness and response. The program shall*  
 8 *incorporate multiple communications technologies and*  
 9 *methods, including inserts in packaging for wireless devices,*  
 10 *Internet websites, and the use of broadcast radio and tele-*  
 11 *vision Non-Commercial Sustaining Announcement Pro-*  
 12 *grams.*

13 **SEC. 109. TELECOMMUNICATIONS INFRASTRUCTURE RES-**  
 14 **TORATION, PREPAREDNESS, AND RESPONSE.**

15       *(a) RESTORATION OF TELECOMMUNICATIONS INFRA-*  
 16 *STRUCTURE.—*

17               *(1) ELIGIBILITY FOR FEDERAL ASSISTANCE.—*

18       *Section 403(a)(1) of the Robert T. Stafford Disaster*  
 19 *Relief and Emergency Assistance Act (42 U.S.C.*  
 20 *5170b(a)(1)) is amended to read as follows:*

21               *“(1) FEDERAL RESOURCES.—Utilizing, lending,*  
 22 *or donating Federal equipment, supplies, facilities,*  
 23 *personnel, and other resources (other than the exten-*  
 24 *sion of credit)—*

1           “(A) to State and local governments for use  
2           or distribution by such governments in accord-  
3           ance with the purposes of this Act; or

4           “(B) to assist telecommunications service  
5           providers in the maintenance and restoration of  
6           communications during an emergency or major  
7           disaster.”.

8           (2) *TELECOMMUNICATIONS SERVICE PROVIDER*  
9           *DEFINED.*—Section 102 of the Robert T. Stafford Dis-  
10          aster Relief and Emergency Assistance Act (42 U.S.C.  
11          5122) is amended by adding the at the end the fol-  
12          lowing:

13          “(10) *TELECOMMUNICATIONS SERVICE PRO-*  
14          *VIDER.*—The term ‘telecommunications service pro-  
15          vider’ means a provider of telecommunications service  
16          as that term is defined in section 3(46) of the Com-  
17          munications Act of 1934 (47 U.S.C. 153(46)).”.

18          (b) *TELECOMMUNICATIONS INFRASTRUCTURE PRE-*  
19          *PAREDNESS AND RESPONSE.*—

20          (1) *RESPONSIBILITIES.*—Section 502(5) of the  
21          Homeland Security Act of 2002 (6 U.S.C. 312(5)) is  
22          amended by inserting “in consultation with providers  
23          of telecommunications services (as defined in section  
24          3(46) of the Communications Act of 1934 (47 U.S.C.

1       153(46))) owning or operating communications infra-  
 2       structure,” after “authorities,”.

3               (2) *RESPONSIBILITIES.*—Section 502 of the  
 4       Homeland Security Act of 2002 (6 U.S.C. 312) is  
 5       amended—

6               (A) by striking “and” after the semicolon in  
 7       paragraph 6);

8               (B) by striking “technology.” in paragraph  
 9       (7) and inserting “technology; and ”; and

10              (C) by adding at the end the following:

11              “(8) developing comprehensive mechanisms to  
 12       work with and support critical infrastructure pro-  
 13       viders, including but not limited to providers of tele-  
 14       communications services (as defined in section 3(46)  
 15       of the Communications Act of 1934 (47 U.S.C.  
 16       153(46))), to ensure sufficient communications during  
 17       a crisis or major disaster response.”.

18   **SEC. 110. DEFINITIONS.**

19       *In this title:*

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

22              (2) *OFFICE.*—The term “Office” means the Na-  
 23       tional Alert Office established by section 104.

1           (3) *NATIONAL ALERT SYSTEM.*—*The term “Na-*  
 2           *tional Alert System” means the National Alert Sys-*  
 3           *tem established by section 102.*

4           (4) *NON-COMMERCIAL SUSTAINING ANNOUNCE-*  
 5           *MENT PROGRAM.*—*The term “Non-Commercial Sus-*  
 6           *taining Announcement Program” means a radio and*  
 7           *television campaign conducted for the benefit of a*  
 8           *nonprofit organization or government agency using*  
 9           *unsold commercial air time donated by participating*  
 10          *broadcast stations for use in such campaigns, and for*  
 11          *which the campaign’s sponsoring organization or*  
 12          *agency funds the cost of underwriting programs that*  
 13          *serve the public convenience, interest, and necessity,*  
 14          *as described in section 307 of the Communications*  
 15          *Act of 1934 (47 U.S.C. 307).*

16          (5) *WORKING GROUP.*—*The term “Working*  
 17          *Group” means the National Alert System Working*  
 18          *Group on the established under section 105.*

19 **SEC. 111. FUNDING.**

20          *Funding for this title shall be provided from the Dig-*  
 21          *ital Transition and Public Safety Fund in accordance with*  
 22          *section 5 of the Digital Transition and Public Safety Act*  
 23          *of 2005.*

## **TITLE II—TSUNAMI PREPAREDNESS**

### **SEC. 201. SHORT TITLE.**

*This title may be cited as the “Tsunami Preparedness Act”.*

### **SEC. 202. FINDINGS AND PURPOSES.**

*(a) FINDINGS.—The Congress finds the following:*

*(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.*

*(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.*

*(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.*

*(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, Cali-*

1      *for*nia, *Hawaii, Oregon, Washington, American*  
 2      *Samoa, the Commonwealth of the Northern Mariana*  
 3      *Islands, Guam, Puerto Rico, and the U.S. Virgin Is-*  
 4      *lands.*

5           *(5) The National Oceanic and Atmospheric Ad-*  
 6      *ministration is responsible for maintaining a tsu-*  
 7      *unami detection and warning system for the Nation,*  
 8      *issuing warnings to United States communities at*  
 9      *risk from tsunami, and preparing those communities*  
 10     *to respond appropriately, through—*

11           *(A) the Pacific Tsunami Warning Center in*  
 12      *Ewa Beach, Hawaii, which serves as a warning*  
 13      *center for Hawaii, all other United States assets*  
 14      *in the Pacific, and Puerto Rico;*

15           *(B) the Alaska/West Coast Tsunami Warn-*  
 16      *ing Center in Palmer, Alaska, which is respon-*  
 17      *sible for issuing warnings for Alaska, British Co-*  
 18      *lumbia, California, Oregon, and Washington;*

19           *(C) the Federal-State national tsunami haz-*  
 20      *ard mitigation program;*

21           *(D) a tsunami research and assessment pro-*  
 22      *gram, including programs conducted by the Pa-*  
 23      *cific Marine Environmental Laboratory;*



1           (E) the TsunamiReady Program, which  
 2           educates and prepares communities for survival  
 3           before and during a tsunami;

4           (F) an archive of historical tsunami data,  
 5           held at the National Oceanic and Atmospheric  
 6           Administration's National Geophysical Data  
 7           Center; and

8           (G) other related programs, including those  
 9           operated in coordination with academic institu-  
 10          tions.

11          (6) The National Oceanic and Atmospheric Ad-  
 12          ministration also represents the United States as a  
 13          member of the International Coordination Group for  
 14          the Tsunami Warning System in the Pacific, admin-  
 15          istered by the Intergovernmental Oceanographic Com-  
 16          mission of UNESCO, for which the Pacific Tsunami  
 17          Warning Center acts as the operational center and  
 18          shares seismic and water level information with 26  
 19          member states, and maintains UNESCO's Inter-  
 20          national Tsunami Information Center, in Honolulu,  
 21          Hawaii, which provides technical and educational as-  
 22          sistance to member states.

23          (7) The Tsunami Warning Centers receive seis-  
 24          mographic information from the Global Seismic Net-  
 25          work, an international system of earthquake moni-

1        *toring stations, from the United States Geological*  
 2        *Survey National Earthquake Information Center, the*  
 3        *Alaska Earthquake Information Center, and coopera-*  
 4        *tive regional seismic networks, and use these data to*  
 5        *issue tsunami warnings and integrate the informa-*  
 6        *tion with data from their own tidal and deep ocean*  
 7        *monitoring stations, to cancel or verify the existence*  
 8        *of a damaging tsunami. Warnings are disseminated*  
 9        *by the National Oceanic and Atmospheric Adminis-*  
 10       *tration to State emergency operation centers.*

11            *(8) Current gaps in the International Tsunami*  
 12        *Warning System, such as the lack of regional warn-*  
 13        *ing systems in the Indian Ocean, the southwest Pa-*  
 14        *cific Ocean, Central and South America, the Medi-*  
 15        *terranean Sea, and Caribbean, pose risks for coastal*  
 16        *and island communities.*

17            *(9) The tragic and extreme loss of life experi-*  
 18        *enced by countries in the Indian Ocean following the*  
 19        *magnitude 9.0 earthquake and resulting tsunami in*  
 20        *that region on December 26, 2004, illustrates the de-*  
 21        *structive consequences which can occur in the absence*  
 22        *of an effective tsunami warning and notification sys-*  
 23        *tem.*

24            *(10) An effective tsunami warning and notifica-*  
 25        *tion system is part of a multi-hazard disaster warn-*

1     *ing and preparedness program and requires real-time*  
 2     *seismic, sea level, and oceanographic data, high-speed*  
 3     *data analysis capabilities, a high-speed tsunami*  
 4     *warning and notification system, a sustained pro-*  
 5     *gram of education and risk assessment to develop re-*  
 6     *sponse strategies, and an established local infrastruc-*  
 7     *ture for timely and effective dissemination of warn-*  
 8     *ings to activate evacuation of tsunami hazard zones.*

9             *(11) The Tsunami Warning System for the Pa-*  
 10     *cific is a model for other regions of the world to*  
 11     *adopt, and can be expanded and modernized to in-*  
 12     *crease detection, forecast, and warning capabilities for*  
 13     *vulnerable states and territories, reduce the incidence*  
 14     *of costly false alarms, improve reliability of measure-*  
 15     *ment and assessment technology, and increase com-*  
 16     *munity preparedness.*

17             *(12) Tsunami warning and preparedness capa-*  
 18     *bility can be developed in other vulnerable areas of*  
 19     *the world, such as the Indian Ocean, by identifying*  
 20     *tsunami hazard zones, educating populations, devel-*  
 21     *oping alert and notification infrastructure, and by*  
 22     *deploying near real-time tsunami detection sensors*  
 23     *and gauges, establishing hazard notification and*  
 24     *warning networks, expanding global monitoring of*  
 25     *seismic activity, encouraging the increased exchange*

1        *of seismic and tidal data between nations, and im-*  
 2        *proving international coordination when a tsunami*  
 3        *is detected.*

4            *(13) UNESCO has recognized the need to estab-*  
 5        *lish tsunami warning systems for regions beyond the*  
 6        *Pacific Basin that are vulnerable to tsunami, includ-*  
 7        *ing the Indian Ocean, and has convened a working*  
 8        *group to lead an effort to expand the International*  
 9        *Tsunami Warning System in the Pacific to such vul-*  
 10       *nerable regions.*

11           *(14) The international community and all vul-*  
 12        *nerable nations should take coordinated efforts to es-*  
 13        *tablish and participate in regional tsunami warning*  
 14        *systems and other hazard warnings systems developed*  
 15        *to meet the goals of the United Nations International*  
 16        *Strategy for Disaster Reduction.*

17           *(15) On February 16, 2005, the United States,*  
 18        *together with 53 other Nations participating in the*  
 19        *Third Earth Observation Summit in Brussels, Bel-*  
 20        *gium, adopted a 10-year implementation plan as the*  
 21        *basis for establishing the Global Earth Observation*  
 22        *System of Systems.*

23           *(16) The Global Earth Observation System of*  
 24        *Systems will consist of existing and future earth ob-*

1        *ervation systems, including the United States tsu-*  
2        *unami detection and warning system.*

3        *(b) PURPOSES.—The purposes of this title are—*

4                *(1) to improve tsunami detection, forecast, warn-*  
5        *ings, notification, preparedness, and mitigation in*  
6        *order to protect life and property both in the United*  
7        *States and elsewhere in the world;*

8                *(2) to improve and modernize the existing Pa-*  
9        *cific Tsunami Warning System to increase coverage,*  
10        *reduce false alarms and increase accuracy of forecasts*  
11        *and warnings, and expand detection and warning*  
12        *systems to include other vulnerable States and United*  
13        *States territories, including the Caribbean/Atlantic/*  
14        *Gulf region;*

15                *(3) to increase and accelerate mapping, mod-*  
16        *eling, research, assessment, education, and outreach*  
17        *efforts in order to improve forecasting, preparedness,*  
18        *mitigation, response, and recovery of tsunami and re-*  
19        *lated coastal hazards;*

20                *(4) to provide technical and other assistance to*  
21        *speed international efforts to establish regional tsu-*  
22        *unami warning systems in vulnerable areas worldwide,*  
23        *including the Indian Ocean; and*

1           (5) *to improve Federal, State, and international*  
 2           *coordination for tsunami and other coastal hazard*  
 3           *warnings and preparedness.*

4 **SEC. 203. TSUNAMI DETECTION AND WARNING SYSTEM.**

5           (a) *IN GENERAL.*—*The Administrator of the National*  
 6           *Oceanic and Atmospheric Administration shall operate re-*  
 7           *gional tsunami detection and warning systems for the Pa-*  
 8           *cific Ocean region and for the Atlantic Ocean, Caribbean,*  
 9           *and Gulf of Mexico region that will provide maximum de-*  
 10          *tection capability for United States coastal tsunami.*

11          (b) *SYSTEM REQUIREMENTS.*—

12           (1) *PACIFIC SYSTEM.*—*The Pacific tsunami*  
 13           *warning system shall cover the entire Pacific Ocean*  
 14           *area, including the Western Pacific, the Central Pa-*  
 15           *cific, the North Pacific, the South Pacific, and the*  
 16           *East Pacific and Arctic areas.*

17           (2) *ATLANTIC, CARIBBEAN, AND GULF OF MEXICO*  
 18           *SYSTEM.*—*The Atlantic, Caribbean, and Gulf system*  
 19           *shall cover areas of the Atlantic Ocean, Caribbean*  
 20           *Sea, and the Gulf of Mexico that the Administrator*  
 21           *determines—*

22                   (A) *to be geologically active, or to have sig-*  
 23                   *nificant potential for geological activity; and*

1           (B) to pose measurable risks of tsunamis for  
2       States along the coastal areas of the Atlantic  
3       Ocean or the Gulf of Mexico.

4       (3) COMPONENTS.—The systems shall—

5           (A) utilize an array of deep ocean detection  
6       buoys, including redundant and spare buoys;

7           (B) include an associated tide gauge and  
8       water level system designed for long-term contin-  
9       uous operation tsunami transmission capability;

10          (C) allow for such additional sensors as  
11       may be necessary for tsunami and weather  
12       warnings and forecasts;

13          (D) provide for the establishment of a coop-  
14       erative effort between the National Oceanic and  
15       Atmospheric Administration and the United  
16       States Geological Survey under which the Geo-  
17       logical Survey and State earthquake information  
18       centers provide rapid and reliable real-time seis-  
19       mic information to the Administration from  
20       international and domestic seismic networks;

21          (E) provide for information and data proc-  
22       essing through the tsunami warning centers es-  
23       tablished under subsection (c);

24          (F) be integrated into United States and  
25       global ocean and earth observing systems, includ-

1           *ing the Global Earth Observation System of Sys-*  
 2           *tems;*

3                   *(G) provide an infrastructure, building on*  
 4           *local systems, for at-risk tsunami communities*  
 5           *that supports rapid and reliable alert and notifi-*  
 6           *cation to the public, such as the National Oce-*  
 7           *anic and Atmospheric Administration's Weather,*  
 8           *Alert, and Readiness Network, which includes the*  
 9           *weather radio and the All Hazard Alert Broad-*  
 10          *casting Radio; and*

11                   *(H) the integration of NOAA's Advanced*  
 12          *Weather Interactive Processing System with*  
 13          *other technologies.*

14           *(4) FEDERAL COOPERATION.—In deploying and*  
 15          *maintaining detection buoys utilized in the tsunami*  
 16          *warning system, the Administrator should leverage*  
 17          *the assistance and assets of the United States Coast*  
 18          *Guard, the Navy, and other Federal agency assets in*  
 19          *the region. Within 180 days after the date of enact-*  
 20          *ment of this Act, the Administrator shall provide a*  
 21          *report to the Senate committee on Commerce, Science,*  
 22          *and Transportation, the House of Representatives*  
 23          *Committee on Science, and the House of Representa-*  
 24          *tives Committee on Resources that summarizes the ex-*  
 25          *tent to which the United States Coast Guard or any*



1        *other Federal agency is assistance in deploying and*  
 2        *maintaining such buoys.*

3        *(c) TSUNAMI WARNING CENTERS.—*

4                *(1) IN GENERAL.—The Administrator shall es-*  
 5        *tablish tsunami warning centers to provide a link be-*  
 6        *tween the detection and warning system and the tsu-*  
 7        *nami hazard mitigation program established under*  
 8        *section 204 including—*

9                *(A) a Pacific Tsunami Warning Center in*  
 10        *Hawaii;*

11               *(B) a West Coast and Alaska Tsunami*  
 12        *Warning Center in Alaska; and*

13               *(C) any additional warning centers deter-*  
 14        *mined by the Administrator to be necessary.*

15               *(2) RESPONSIBILITIES.—The responsibilities of*  
 16        *each tsunami warning center shall include—*

17               *(A) continuously monitoring data from seis-*  
 18        *mological stations, deep ocean detection buoys,*  
 19        *and tidal monitoring stations and providing*  
 20        *such data to the national tsunami archive;*

21               *(B) evaluating earthquakes that have the*  
 22        *potential to generate tsunami;*

23               *(C) evaluating deep ocean buoy data and*  
 24        *tidal monitoring stations for indications of tsu-*

1           *nami resulting from sources other than earth-*  
 2           *quakes; and*

3           *(D) disseminating information and warn-*  
 4           *ing bulletins appropriate for local and distant*  
 5           *tsunamis to government agencies and the public*  
 6           *and alerting potentially impacted coastal areas*  
 7           *for evacuation.*

8           *(d) DATA MANAGEMENT.—The Administrator shall*  
 9           *maintain national and regionally-based data management*  
 10          *systems to support and establish data management require-*  
 11          *ments for the tsunami detection and monitoring system, in-*  
 12          *cluding requirements for—*

13           *(1) quality control and quality assurance;*  
 14           *(2) archiving and maintaining data;*  
 15           *(3) supporting integration of observations from*  
 16          *the system with other national and international*  
 17          *water level measurements, such as the Global Sea*  
 18          *Level Monitoring System;*

19           *(4) integration of observations from the system*  
 20          *with other elements of the global and coastal compo-*  
 21          *nents of the integrated ocean and coastal observing*  
 22          *system and the Global Earth Observation System of*  
 23          *Systems; and*

24           *(5) the development of and access to data sets*  
 25          *and integrated data products designed to support*

1        *multi-hazard regional vulnerability assessment and*  
 2        *adaptation programs such as the program established*  
 3        *under section 208.*

4    **SEC. 204. TSUNAMI HAZARD MITIGATION PROGRAM.**

5        (a) *IN GENERAL.*—*The Administrator of the National*  
 6        *Oceanic and Atmospheric Administration shall, in coordi-*  
 7        *nation with other agencies and academic institutions, de-*  
 8        *velop and conduct a community-based tsunami hazard*  
 9        *mitigation program to improve tsunami preparedness of at-*  
 10       *risk areas.*

11       (b) *COORDINATING COMMITTEE.*—*In developing and*  
 12       *conducting the program, the Administrator shall establish*  
 13       *a coordinating committee comprising representatives of*  
 14       *Federal agencies and other governmental entities involved*  
 15       *in tsunami mitigation and response, including—*

16                (1) *the National Oceanic and Atmospheric Ad-*  
 17                *ministration;*

18                (2) *the United States Geological Survey;*

19                (3) *the National Science Foundation;*

20                (4) *the National Institute of Standards and*  
 21                *Technology; and*

22                (5) *affected coastal States and territories.*

23        (c) *PROGRAM COMPONENTS.*—*The program shall—*

1           (1) *improve the quality and extent of inundation*  
2           *mapping, including assessment of vulnerable inner*  
3           *coastal areas;*

4           (2) *promote and improve community outreach*  
5           *and education networks and programs to ensure com-*  
6           *munity awareness and readiness, including the devel-*  
7           *opment of multi-hazard risk and vulnerability assess-*  
8           *ment training and decision support tools, implemen-*  
9           *tation of technical training and public education pro-*  
10          *grams, and provide for certification of prepared com-*  
11          *munities;*

12          (3) *integrate tsunami awareness, preparedness,*  
13          *and mitigation programs into ongoing hazard warn-*  
14          *ing and risk management programs in affected areas*  
15          *including the National Response Plan and State*  
16          *coastal zone management plans;*

17          (4) *promote the adoption of tsunami warning*  
18          *and mitigation measures by Federal, State, tribal,*  
19          *and local governments and non-governmental entities*  
20          *through a grant program for training, development of*  
21          *guidelines, and other purposes;*

22          (5) *develop tsunami specific rescue and recovery*  
23          *guidelines for the National Response Plan, including*  
24          *long-term mitigation measures, educational programs*  
25          *regarding the consequences of development in high-*

1        *risk areas, and use of remote sensing and other tech-*  
 2        *nology in rescue and recovery operations;*

3            *(6) require budget coordination, through the Ad-*  
 4        *ministration, to carry out the purposes of this title*  
 5        *and to ensure that participating agencies provide nec-*  
 6        *essary funds for matters within their respective areas*  
 7        *of authority and expertise; and*

8            *(7) provide for periodic external review of the*  
 9        *program and for inclusion of the results of such re-*  
 10       *views in the report required by section 206(e).*

11    **SEC. 205. TSUNAMI RESEARCH PROGRAM.**

12        *(a) ESTABLISHMENT.—The Administrator of the Na-*  
 13        *tional Oceanic and Atmospheric Administration shall, in*  
 14        *coordination with other agencies and academic institutions,*  
 15        *establish a tsunami research program to develop detection,*  
 16        *prediction, communication, and mitigation science and*  
 17        *technology that supports tsunami forecasts and warnings,*  
 18        *including advanced sensing techniques, information and*  
 19        *communication technology, data collection, analysis and as-*  
 20        *essment for tsunami tracking and numerical forecast mod-*  
 21        *eling that will—*

22            *(1) help determine—*

23                    *(A) whether an earthquake or other seismic*  
 24                    *event will result in a tsunami; and*

1                   (B) the likely path, severity, duration, and  
2                   travel time of a tsunami;

3                   (2) develop techniques and technologies that may  
4                   be used to communicate tsunami forecasts and warn-  
5                   ings as quickly and effectively as possible to affected  
6                   communities;

7                   (3) develop techniques and technologies to sup-  
8                   port evacuation products, including real-time notice  
9                   of the condition of critical infrastructure along tsu-  
10                  nami evacuation routes for public officials and first  
11                  responders; and

12                  (4) develop techniques for utilizing remote sens-  
13                  ing technologies in rescue and recovery operations.

14                  (b) *TECHNOLOGY.*—The Administrator, in consulta-  
15                  tion with other appropriate Federal agencies, shall inves-  
16                  tigate the potential for improved technology for tsunami  
17                  and other hazard warnings by incorporating into the exist-  
18                  ing system a full range of options for providing those warn-  
19                  ings to the public.

20                  **SEC. 206. TSUNAMI SYSTEM UPGRADE AND MODERNIZA-**  
21                  **TION.**

22                  (a) *SYSTEM UPGRADES.*—The Administrator of the  
23                  National Oceanic and Atmospheric Administration shall—

1           (1) *authorize and direct the immediate repair of*  
 2           *existing deep ocean detection buoys and related com-*  
 3           *ponents of the system;*

4           (2) *ensure the deployment of an array of deep*  
 5           *ocean detection buoys capable of carrying multi-observ-*  
 6           *ation technology in the regions described in section*  
 7           *203(a) of this title;*

8           (3) *ensure expansion or upgrade of the seismic*  
 9           *monitoring and tide gauge networks in the regions de-*  
 10          *scribed in section 203(a); and*

11          (4) *complete the upgrades not later than Decem-*  
 12          *ber 31, 2007.*

13          (b) *TRANSFER OF TECHNOLOGY; MAINTENANCE AND*  
 14          *UPGRADES.—In carrying out this section, the Adminis-*  
 15          *trator shall—*

16               (1) *promulgate specifications and standards for*  
 17               *forecast, detection, and warning systems, including*  
 18               *detection equipment;*

19               (2) *develop and execute a plan for the transfer*  
 20               *of technology from ongoing research to long-term oper-*  
 21               *ations;*

22               (3) *ensure that detection equipment is main-*  
 23               *tained in operational condition to fulfill the fore-*  
 24               *casting, detection and warning requirements of the re-*  
 25               *gional tsunami detection and warning systems;*

1           (4) obtain, to the greatest extent practicable, pri-  
2           ority treatment in budgeting for, acquiring, trans-  
3           porting, and maintaining weather sensors, tide  
4           gauges, water level gauges, and tsunami buoys incor-  
5           porated into the system including obtaining ship  
6           time; and

7           (5) ensure integration of the tsunami detection  
8           system with other United States and global ocean and  
9           coastal observation systems, the Global Earth Obser-  
10          vation System of Systems, global seismic networks,  
11          and the Advanced National Seismic System.

12          (c) *CERTIFICATION.*—Amounts appropriated for any  
13          fiscal year pursuant to section 209 to carry out this section  
14          may not be obligated or expended for the acquisition of serv-  
15          ices for construction or deployment of tsunami detection  
16          equipment unless the Administrator certifies in writing to  
17          the Senate Committee on Commerce, Science, and Trans-  
18          portation, the House of Representatives Committee on  
19          Science, and the House of Representatives Committee on  
20          Resources within 60 calendar days after the date on which  
21          the President submits the Budget of the United States for  
22          that fiscal year to the Congress that—

23                (1) each contractor for such services has met the  
24                requirements of the contract for such construction or  
25                deployment;



1           (2) *the equipment to be constructed or deployed*  
2           *is capable of becoming fully operational without the*  
3           *obligation or expenditure of additional appropriated*  
4           *funds; and*

5           (3) *the Administrator does not reasonably foresee*  
6           *unanticipated delays in the deployment and oper-*  
7           *ational schedule specified in the contract.*

8           (d) *CONGRESSIONAL NOTIFICATIONS.—The Adminis-*  
9           *trator shall notify the Senate Committee on Commerce,*  
10          *Science, and Transportation, the House of Representatives*  
11          *Committee on Science, and the House of Representatives*  
12          *Committee on Resources of—*

13          (1) *impaired regional detection coverage due to*  
14          *equipment or system failures; and*

15          (2) *significant contractor failures or delays in*  
16          *completing work associated with the tsunami detec-*  
17          *tion and warning system.*

18          (e) *ANNUAL REPORT.—The Administrator shall trans-*  
19          *mit an annual report to the Senate Committee on Com-*  
20          *merce, Science, and Transportation and the House of Rep-*  
21          *resentatives Committee on Science the status of the tsunami*  
22          *detection and warning system, including accuracy, false*  
23          *alarms, equipment failures, improvements over the previous*  
24          *year, and goals for further improvement (or plans for cur-*  
25          *ing failures) of the system, as well as progress and accom-*

1 *plishments of the national tsunami hazard mitigation pro-*  
 2 *gram.*

3       (f) *EXTERNAL REVIEW.*—*The National Academy of*  
 4 *Science shall review the tsunami detection, forecast, and*  
 5 *warning system operated by the National Oceanic and At-*  
 6 *mospheric Administration under this title to assess further*  
 7 *modernization and coverage needs, as well as long-term*  
 8 *operational reliability issues, taking into account measures*  
 9 *implemented under this title, and transmit a report con-*  
 10 *taining its recommendations, including an estimate of the*  
 11 *costs of implementing those recommendations, to the Senate*  
 12 *Committee on Commerce, Science, and Transportation and*  
 13 *the House of Representatives Committee on Science within*  
 14 *24 months after the date of enactment of this Act.*

15 **SEC. 207. GLOBAL TSUNAMI WARNING AND MITIGATION**  
 16 **NETWORK.**

17       (a) *INTERNATIONAL TSUNAMI WARNING SYSTEM.*—  
 18 *The Administrator of the National Oceanic and Atmos-*  
 19 *pheric Administration, in coordination with other members*  
 20 *of the United States Interagency Committee of the National*  
 21 *Tsunami Mitigation Program, shall provide technical as-*  
 22 *sistance and advice to the Intergovernmental Oceano-*  
 23 *graphic Commission of UNESCO, the World Meteorological*  
 24 *Organization, the Group on Earth Observations, and other*  
 25 *international entities, as part of international efforts to de-*

1 *velop a fully functional global tsunami warning system*  
 2 *comprised of regional tsunami warning networks, modeled*  
 3 *on the International Tsunami Warning System of the Pa-*  
 4 *cific, and consistent with the 10-year implementation plan*  
 5 *for the Global Earth Observation System of Systems.*

6       (b) *INTERNATIONAL TSUNAMI INFORMATION CEN-*  
 7 *TER.—The Administrator shall operate an International*  
 8 *Tsunami Information Center to improve tsunami prepared-*  
 9 *ness for all Pacific Ocean nations participating in the*  
 10 *International Tsunami Warning System of the Pacific, and*  
 11 *which may also provide such assistance to other nations*  
 12 *participating in a global tsunami warning system estab-*  
 13 *lished through the International Oceanographic Committee*  
 14 *of UNESCO. As part of its responsibilities in the Pacific,*  
 15 *the Center shall—*

16           (1) *monitor international tsunami warning ac-*  
 17 *tivities in the Pacific;*

18           (2) *assist member states in establishing national*  
 19 *warning systems, and make information available on*  
 20 *current technologies for tsunami warning systems;*

21           (3) *maintain a library of materials to promul-*  
 22 *gate knowledge about tsunamis in general and for use*  
 23 *by the scientific community; and*

24           (4) *disseminate information, including edu-*  
 25 *cational materials and research reports.*

1       (c) *TECHNICAL ASSISTANCE.*—*In carrying out this*  
2 *section, the Administrator—*

3           (1) *shall give priority to assisting nations in*  
4 *identifying vulnerable coastal areas, creating inunda-*  
5 *tion maps, obtaining or designing real-time detection*  
6 *and reporting equipment, and establishing commu-*  
7 *nication and warning networks and contact points in*  
8 *each vulnerable nation;*

9           (2) *may establish a process for transfer of detec-*  
10 *tion and communication technology to affected na-*  
11 *tions for the purposes of establishing the international*  
12 *tsunami warning system; and*

13          (3) *shall provide technical and other assistance*  
14 *to support international tsunami education, response,*  
15 *vulnerability, and adaptation programs.*

16       (d) *DATA-SHARING REQUIREMENT.*—*The Adminis-*  
17 *trator may not provide assistance under this section for any*  
18 *region unless all affected nations in that region partici-*  
19 *pating in the tsunami warning network agree to share rel-*  
20 *evant data associated with the development and operation*  
21 *of the network.*

22       (e) *FUNDING ASSISTANCE.*—*The Administrator, in co-*  
23 *ordination with the Secretary of State, shall seek funding*  
24 *assistance from participating nations needed to ensure es-*

1 *tablishment of a fully functional global tsunami warning*  
 2 *system.*

3       (f) *RECEIPT OF INTERNATIONAL REIMBURSEMENT AU-*  
 4 *THORIZED.—The Administrator may accept payment to, or*  
 5 *reimbursement of, the National Oceanic and Atmospheric*  
 6 *Administration in cash or in kind from international orga-*  
 7 *nizations and foreign authorities, or payment or reimburse-*  
 8 *ment made on behalf of such an authority, for expenses in-*  
 9 *curred by the Administrator in carrying out any activity*  
 10 *under this title. Any such payments or reimbursements*  
 11 *shall be considered a reimbursement to the appropriated*  
 12 *funds of the Administration.*

13 **SEC. 208. COASTAL COMMUNITY VULNERABILITY AND AD-**  
 14 **APTATION PROGRAM.**

15       (a) *ESTABLISHMENT.—The Administrator of the Na-*  
 16 *tional Oceanic and Atmospheric Administration shall es-*  
 17 *tablish an integrated coastal vulnerability and adaptation*  
 18 *program focused on improving the resilience of coastal com-*  
 19 *munities to natural hazards and disasters. The program*  
 20 *shall be regional in nature, build upon and integrate exist-*  
 21 *ing Federal and State programs, and provide usable prod-*  
 22 *ucts that will improve preparedness of communities, busi-*  
 23 *nesses, and government entities. The program may include*  
 24 *the following activities:*

1           (1) *Development of multi-hazard vulnerability*  
 2           *maps to characterize and assess risks of coastal com-*  
 3           *munities to a range of natural hazards and provide*  
 4           *a baseline for assessing future risks.*

5           (2) *Multi-disciplinary vulnerability assessment*  
 6           *research and education that will help integrate risk*  
 7           *management with community development planning*  
 8           *and policies.*

9           (3) *Risk management and leadership training*  
 10          *for the public, local officials, and institutions that*  
 11          *will enhance understanding and preparedness.*

12          (4) *Risk assessment technology development, in-*  
 13          *cluding research and development of emerging tech-*  
 14          *nologies and practical application of existing or*  
 15          *emerging technologies, such as modeling, remote sens-*  
 16          *ing, geospatial technology, engineering, and observing*  
 17          *systems.*

18          (5) *Risk management data and information*  
 19          *services, including access to data and products de-*  
 20          *derived from observing and detection systems, as well as*  
 21          *development and maintenance of new integrated data*  
 22          *products that would support risk assessment and risk*  
 23          *management programs.*

24          (6) *Risk notification systems that coordinate*  
 25          *with and build upon existing systems and actively en-*

1     *gage policy officials, government agencies, businesses,*  
 2     *communities, non-governmental organizations, and*  
 3     *the media.*

4     ***(b) REGIONAL PILOT PROJECTS.—***

5         *(1) In general.—Within 1 year after the date of*  
 6     *enactment of this Act, the Administrator shall, in*  
 7     *consultation with the appropriate Federal, State,*  
 8     *tribal, and local governmental entities, establish 3*  
 9     *pilot projects to conduct regional assessments of the*  
 10    *vulnerability of coastal areas of the United States to*  
 11    *hazards associated with tsunami and other natural*  
 12    *hazards or coastal disasters. Priority shall be given to*  
 13    *collaborative partnership proposals from regionally-*  
 14    *based multi-organizational coalitions. In preparing*  
 15    *the regional assessments, the Administrator shall col-*  
 16    *lect and compile current information on tsunami and*  
 17    *other natural hazards or coastal disasters.*

18         *(2) SCOPE.—Regional assessments under the*  
 19    *pilot program shall include an evaluation of—*

20             *(A) the social impacts associated with*  
 21             *threats to and potential losses of housing, com-*  
 22             *munities, and infrastructure;*

23             *(B) the physical impacts such as coastal*  
 24             *erosion, flooding and loss of estuarine habitat,*

1           *saltwater intrusion of aquifers and saltwater en-*  
2           *croachment, and species migration;*

3           *(C) the economic impact on local, State,*  
4           *tribal, and regional economies, including the im-*  
5           *act on coastal infrastructure and the abundance*  
6           *or distribution of economically important living*  
7           *marine resources; and*

8           *(D) opportunities to enhance the resilience*  
9           *of at-risk communities, economic sectors, and*  
10          *natural resources.*

11          *(c) SELECTION CRITERIA.—The Administrator shall*  
12          *rely on the following criteria in identifying appropriate re-*  
13          *gional pilot projects:*

14               *(1) Vulnerability to tsunami and other natural*  
15               *hazards or coastal disasters.*

16               *(2) Dependence on economic sectors and natural*  
17               *resources that are particularly sensitive to coastal*  
18               *hazards.*

19               *(3) Opportunities to link and leverage related re-*  
20               *gional risk observation, research, forecasting, assess-*  
21               *ment, educational and risk management programs.*

22               *(4) Demonstration of strong, interagency collabo-*  
23               *ration in the area of risk management for tsunami*  
24               *and other natural hazards or coastal disasters.*



1           (5) *Access to NOAA and other Federal agency*  
 2           *programs, facilities, and infrastructure related to tsu-*  
 3           *nami and other coastal hazards monitoring, warning,*  
 4           *forecasting, research assessment, and data manage-*  
 5           *ment.*

6           (d) *REGIONAL ADAPTATION PLANS.—The Adminis-*  
 7           *trator shall, within 3 years after the commencement of each*  
 8           *project under subsection (b), submit to the Congress regional*  
 9           *adaptation plans—*

10           (1) *based on the information contained in the re-*  
 11           *gional assessments conducted under subsection (b);*

12           (2) *developed with the participation of other*  
 13           *Federal agencies, State, tribal, and local government*  
 14           *agencies, and non-governmental entities (including*  
 15           *academia and the private sector) that will be critical*  
 16           *in the implementation of the plan at the State, tribal,*  
 17           *and local levels;*

18           (3) *that recommend targets and strategies to ad-*  
 19           *dress impacts associated with tsunami and other nat-*  
 20           *ural hazards or coastal disasters;*

21           (4) *that include recommendations for both short-*  
 22           *and long-term adaptation strategies; and*

23           (5) *that include recommendations on—*

24                   (A) *Federal flood insurance program modi-*  
 25                   *fications;*

1           (B) areas that have been identified as high  
2           risk through mapping and assessment;

3           (C) enhancing the effectiveness of State  
4           coastal zone management programs in miti-  
5           gating or preventing coastal risks;

6           (D) mitigation incentives such as rolling  
7           easements, strategic retreat, State or Federal ac-  
8           quisition in fee simple or other interest in land,  
9           construction standards, and zoning;

10          (E) land and property owner education;

11          (F) economic planning for small commu-  
12          nities dependent upon affected coastal resources,  
13          including fisheries; and

14          (G) funding requirements and mechanisms.

15          (e) *TECHNICAL PLANNING AND FINANCIAL ASSIST-*  
16 *ANCE.—The Administrator, through the National Ocean*  
17 *Service, shall establish a coordinated program—*

18           (1) *to provide technical planning assistance and*  
19 *financial assistance to coastal States, tribes, and local*  
20 *governments as they develop and implement adapta-*  
21 *tion or mitigation strategies and plans under this sec-*  
22 *tion; and*

23           (2) *to make products, information, tools, and*  
24 *technical expertise generated from the development of*  
25 *the regional assessment and the regional adaptation*

1        *plan available to coastal States for the purposes of de-*  
 2        *veloping their own State, tribal, and local plans.*

3    **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

4        *(a) IN GENERAL.—There are authorized to be appro-*  
 5        *priated to the Administrator of the National Oceanic and*  
 6        *Atmospheric Administration—*

7            *(1) \$35,000,000 for each of fiscal years 2006*  
 8        *through 2012 to carry out this title (other than sec-*  
 9        *tion 208); and*

10          *(2) \$5,000,000 for each of such fiscal years to*  
 11        *carry out section 208, of which at least \$3,000,000 for*  
 12        *each fiscal year shall be used to carry out the pilot*  
 13        *projects authorized by section 208(b).*

14        *(b) FUNDING.—The Secretary of Commerce is author-*  
 15        *ized to use amounts from the Digital Transition and Public*  
 16        *Safety Fund in accordance with section 5 of the Digital*  
 17        *Transition and Public Safety Act of 2005 to carry out this*  
 18        *title as an offsetting collection in, and credited to, the ac-*  
 19        *count providing appropriations to carry out this title.*

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109TH CONGRESS  
1ST Session

**S. 1753**

[Report No. 109-204]

**A BILL**

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

DECEMBER 8, 2005  
Reported with an amendment