

110TH CONGRESS
2D SESSION

H. R. 6392

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to designate an agency within the Department of Homeland Security to modernize the integrated public alert and warning system of the United States to disseminate homeland security and other information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. CUELLAR (for himself and Mr. DENT) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to designate an agency within the Department of Homeland Security to modernize the integrated public alert and warning system of the United States to disseminate homeland security and other information, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alerting Lives through
3 Effective and Reliable Technological Systems Act of
4 2008” or the “ALERTS Act of 2008”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

7 (1) numerous proven and tested technologies
8 exist to enable the Federal Government to enhance
9 its public alert and warning system;

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

12 (A) greater security, reliability, and redun-
13 dancy of the system;

14 (B) rapid alert dissemination;

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

17 (D) the ability to geographically target and
18 deliver alerts and warnings to multiple devices;
19 and

20 (E) the ability to permit State homeland
21 security grants to be utilized for the purposes
22 of modernizing public alert and warning sys-
23 tems;

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

1 (4) there is a need to modernize and improve
2 the ability of the Federal Government to provide
3 residents of the United States with timely and effective
4 warnings;

5 (5) although significant Federal integration efforts
6 are underway, the aggregation, dissemination,
7 and reporting system necessary for effective public
8 alert and warning will require an integrated national
9 network for reliable, secure, and authentic dissemination
10 of emergency alerts and warnings to and
11 from all Federal, State, local, and tribal entities that
12 alert the public when appropriate.

13 **SEC. 3. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM**
14 **MODERNIZATION.**

15 (a) IN GENERAL.—Title V of the Homeland Security
16 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
17 at the end of the following new section:

18 **“SEC. 525. NATIONAL INTEGRATED PUBLIC ALERT AND**
19 **WARNING SYSTEM MODERNIZATION.**

20 “(a) IN GENERAL.—In order to provide timely and
21 effective warnings and disseminate homeland security and
22 other information, the Secretary shall—

23 “(1) establish a national integrated public alert
24 and warning system (in this section referred to as

1 ‘the system’) not later than two years after the date
2 of the enactment of this section; and

3 “(2) designate an agency within the Depart-
4 ment to receive, aggregate, validate, and authen-
5 ticate homeland security and other information origi-
6 nated by authorized Federal, State, local, and tribal
7 governments to facilitate the transmission of the
8 Commercial Mobile Alert System.

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

11 “(1) establish, as appropriate, common alerting
12 and warning protocols, standards of performance,
13 and terminology for the system established under
14 subsection (a)(1) by adopting, where appropriate,
15 mechanisms that integrate various approaches devel-
16 oped by key stakeholders;

17 “(2) include in the system the capability to
18 adapt the dissemination of homeland security and
19 other information and the content of communica-
20 tions on the basis of geographic location, risks, or
21 user preferences, as appropriate;

22 “(3) include in the system the capability to
23 alert and warn populations with special needs;

1 “(4) ensure that the system is incorporated into
2 the training and exercise programs of the Depart-
3 ment; and

4 “(5) coordinate, to the extent practicable, with
5 other Federal agencies and departments and with
6 State, local, and tribal governments, and other key
7 stakeholders to leverage existing alert and warning
8 capabilities.

9 “(c) SYSTEM REQUIREMENTS.—The Secretary shall
10 ensure that the system—

11 “(1) incorporates redundant and diverse modes
12 to disseminate homeland security and other informa-
13 tion in warning messages to the public so as to
14 reach the greatest number of individuals;

15 “(2) can be adapted to incorporate future tech-
16 nologies;

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

19 “(4) delivers alerts to populations in remote
20 areas; and

21 “(5) promotes State, local, tribal, and regional
22 partnerships to enhance coordination.

23 “(d) REPORT.—Not later than one year after the
24 date on which the system established under subsection (a)
25 is fully functional and every six months thereafter, the

1 Secretary shall submit to the Committee on Homeland Se-
2 curity of the House of Representatives and the Committee
3 on Homeland Security and Governmental Affairs of the
4 Senate, a report on the functionality and performance of
5 the integrated public alert and warning system, includ-
6 ing—

7 “(1) an assessment of the accomplishments and
8 deficiencies of the system;

9 “(2) recommendations for improvements to the
10 system;

11 “(3) information on the feasibility and effective-
12 ness of disseminating homeland security and other
13 information, notices, and alerts prior to and fol-
14 lowing an incident requiring use of the system.

15 “(e) COMMERCIAL MOBILE ALERT SYSTEM PILOT
16 PROGRAM.—

17 “(1) IN GENERAL.—Not later than three
18 months after the date of the enactment of this sec-
19 tion, the Secretary shall develop within the inte-
20 grated public alert and warning system the commer-
21 cial mobile alert system to provide rapid dissemina-
22 tion of homeland security and other information over
23 commercial mobile devices and conduct a pilot pro-
24 gram for the purpose of increasing the reach of the
25 integrated public alert and warning system.

1 “(2) SCOPE.—The Secretary shall select at
2 least five States to participate in the pilot program.
3 The Secretary shall ensure the participation of
4 States that represent a geographic (including urban
5 and rural) cross-section of the United States and
6 that vary in risk to acts of terrorism.

7 “(3) TERMINATION.—The authority to carry
8 out a pilot program under this section shall termi-
9 nate on the date that is six months after the date
10 of the commencement of the pilot program.

11 “(4) REPORT.—Not later than three months
12 after the termination of the pilot program, the Sec-
13 retary shall submit to the Committee on Homeland
14 Security of the House of Representatives and the
15 Committee on Homeland Security and Governmental
16 Affairs of the Senate a report containing—

17 “(A) a description and assessment of the
18 effectiveness of the pilot program;

19 “(B) any findings and conclusions of the
20 Secretary with respect to the pilot program;
21 and

22 “(C) any recommendations for improve-
23 ments to the commercial mobile alert system.

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to the Secretary to carry

1 out this section \$37,000,000 for fiscal year 2009 and such
2 sums as may be necessary for each fiscal year thereafter.”.

3 (b) LIMITATION ON STATUTORY CONSTRUCTION.—

4 Nothing in this Act (including the amendment made by
5 this Act) shall be construed to affect the authority of the
6 Department of Commerce, the Federal Communications
7 Commission, or the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act.

9 (c) HOMELAND SECURITY GRANTS.—Section
10 2008(a) of the Implementing Recommendations of the
11 9/11 Commission Act of 2007 (Public Law 110–53) is
12 amended—

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

15 (2) by redesignating paragraph (13) as para-
16 graph (14); and

17 (3) by inserting after paragraph (12) the fol-
18 lowing new paragraph:

19 “(13) permitting State, local, and tribal govern-
20 ments to improve public alert and warning capabili-
21 ties; and”.

22 (d) CRIMINAL ACTS.—It shall be unlawful to tamper
23 or interfere with components of the system that are used
24 or designed to deliver alerts and warnings that were pur-
25 chased with public funds, including homeland security

1 grants. A violation of section 525 of the Homeland Secu-
2 rity Act of 2002 (as added by section 3 of this Act) shall
3 be punishable by a fine of not more than \$10,000, impris-
4 onment for not more than ten years, or both.

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