In the Matter of	)	
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Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System	)	PS Docket No. 15-94
	)	
	)	
Wireless Emergency Alerts	)	PS Docket No. 15-91

Federal Emergency Management Agency (FEMA) Comments on the Notice of Proposed Rulemaking to Improve the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA)

The Federal Emergency Management Agency (FEMA) is pleased to submit comments and recommendations in the above captioned matters in response to the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (NPRM) in response to the William M. (Mac) Thornberry National Defense Authorization Act of 2021 (NDAA21).

FEMA appreciates the partnership with the FCC as we continue to enhance and improve the nation's public alert and warning system, also known as the Integrated Public Alert and Warning System (IPAWS).

General comments:

The FEMA Administrator is responsible for implementing the public alert and warning system, known as the IPAWS, to disseminate timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety.[1] FEMA values consultation and coordination with the FCC to develop rules and regulations to ensure that communications systems have the capacity to transmit alerts and warnings to the public as part of IPAWS.

FEMA is responsible for dissemination of warnings to the civilian population of a hazard[2] and activation of the IPAWS for the President.[3]

FEMA may use either one or both of the IPAWS and the National Public Warning System (NPWS) to initiate a Presidential alert depending on the national emergency scenario. Alerts sent via the IPAWS may be directed for dissemination to Wireless Emergency Alerts (WEA),

[1] 6 U.S.C. § 321o(a).

[2] Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) § 611(d) (42 U.S.C. § 5196(d)) (as enacted in section 1756 of the National Defense Authorization Act for FY 2020, Pub. L. 116-92).

[3] 6 U.S.C. § 321o–1.

Emergency Alert System (EAS), or both, and to other alert dissemination systems that may be integrated into the IPAWS in the future, depending on the national emergency scenario. National alerts sent by FEMA shall include content in the alert to indicate whether the alert was originated from the President or the FEMA Administrator. FEMA understands that additional rulemaking to clarify operations of the EAS in this regard may need to be undertaken by the FCC and will coordinate and consult to support the FCC as necessary and appropriate.

The NPWS is a resilient system to provide for emergency broadcast of a national alert warning message to at least 90% of the U.S. population before or after a catastrophic national emergency. The NPWS includes a network of private and commercial radio broadcast stations called Primary Entry Point (PEP) stations that cooperatively participate with FEMA to provide resilient broadcast coverage for a national emergency alert. These PEP stations are equipped with FEMA provided resiliency measures to enable the radio station transmitters to continue broadcasting information to the public notwithstanding the impact of hazardous events.

General Recommendations:

In order for the IPAWS to provide maximum effectiveness now and in the future given the requirements outlined in section 9201 of NDAA21, *Reliable Emergency Alert Distribution* Improvement, section 1756 of NDAA20, *Integrated Public Alert and Warning System* (6 United States Code (U.S.C.) sec. 321o-1, the Homeland Security Act of 2002, as amended (6 U.S.C. sec. 321o, *IPAWS* Modernization, and sections 202 and 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, FEMA asks that the FCC consider the following changes via rulemaking:

1. The originator (ORG) code "Primary Entry Point System," ORG Code "PEP," should be changed to "National Authority," ORG Code "NAT."

Rationale: PEPs are not originators. PEPs are radio station components in the FEMA NPWS. Using PEP as an originator code in accordance with the current EAS rules requires EAS video participants to scroll a message that begins with "*The Primary Entry Point System has issued an…*" The public does not recognize the term PEP which may create confusion in the public. FEMA believes that modifying the PEP code to NAT will better serve the effectiveness of the NPWS system.

2. FEMA recommends that the definition for event code EAN be either changed to "Emergency Alert, National" or replaced with "National Emergency Message," event code "NEM."

Rationale: The term "Emergency Action Notification" also has no meaning or significance to the public and may create confusion, delaying the public taking protective actions to mitigate the impact of the impending emergency event. Use of the NEM event code would facilitate consistency in message delivery and public recognition of those events that are of national significance, as defined in section 1756 of NDAA20, *Integrated Public Alert and Warning System* (6 United States Code (U.S.C.) sec. 321o-1 that may result in the President or FEMA Administrator activation of the system.

3. FEMA recommends deleting the term National Information Center (NIC) in EAS rules.

Rationale: There is no longer a National Information Center (NIC) in the federal and national emergency response plans.

Recommendation regarding Wireless Emergency Alert System Offerings:

4. FEMA recommends changing the WEA alert category "Presidential" to "National" alerts. Rationale: This term better reflects the new broader use of national alerts. FEMA will use IPAWS to send "National" category alerts to the public for Presidentially directed and other national emergency alerts. FEMA shall include content in the alert to indicate whether the alert was originated from the President or the FEMA Administrator.

Recommendations regarding State EAS Plans and SECCs:

5. FEMA recommends that State Emergency Communications Committee (SECC) functions be aligned with Statewide Interoperability Coordinator (SWIC) functions and that State EAS Plans be incorporated into Statewide Communication Interoperability Plans.

Rationale: Making these changes would integrate emergency communication with the public into broader state emergency communications planning activities. Additionally, combining statewide emergency communications planning with EAS planning could reduce the emergency communications planning workload on state emergency officials and the private sector communications providers that support and participate in state emergency communications and EAS state planning activities.

Comments regarding Reporting of False Alerts:

Nearly 1,600 agencies use FEMA's IPAWS to send alert and warning messages to EAS Participants and to Commercial Mobile Service (CMS) providers for delivery of alerts to the public to warn them of impending emergencies, provide protective action guidance, and other emergency related instruction and information. Federal, state, local, tribal and territorial authorities using the IPAWS to send alerts are called IPAWS Alerting Authorities (AAs).

FEMA provides guidance and support to IPAWS AAs in using the IPAWS to effectively send alerts and warnings to the public.

FEMA does not monitor alerts sent by alerting authorities through the IPAWS in real-time. Those alerts may be distributed to EAS, WEA and other warning dissemination systems integrated with the IPAWS as directed by the alert sender. FEMA does not have information in the IPAWS about the incident or situation that prompted the alerting authority to issue an alert such as would be needed to judge if the alert represented a "false alert." FEMA will support IPAWS AAs that request historical IPAWS system logs related to alerts sent by the IPAWS AA.

All WEA that are delivered by CMS providers are processed through the IPAWS. However, not all EAS "activations" occur using the FEMA IPAWS connection to EAS Participants. Therefore, FEMA IPAWS system logs do not have a record of all alerts broadcast by EAS participants.

Comment and recommendation regarding Repeating EAS Messages for National Security:

FEMA is the message originator for all presidentially directed and other national emergency alerts and may use the unique originator and event code combination that enables a national alert to be persistently broadcast until the emergency event is concluded. Therefore, no changes to the EAS rules are necessary for national alerts to remain persistent in the EAS.

Although the current EAS rules allow for state or local authorities to repeatedly activate the EAS for the same emergency alert, FEMA does not agree that repeating an EAS message fully addresses the problem identified in after-action reports related to the mistaken missile alert issued in Hawaii in 2018, or fully addresses the intent of Congress expressed in the NDAA21 language.

6. FEMA recommends the FCC consider methods to update the EAS to support persistent display of alert information and/or persistent notification for emergencies that require immediate public protective actions to mitigate loss of life. These type emergency alerts should persist on EAS until the alert time has expired or is cancelled by the alert originator. FEMA also recommends that any message of a persistent nature shall not interfere with the President or FEMA Administrator's ability to alert the public of a nationally significant emergency, as defined in section 1756 of NDAA20, Integrated Public Alert and Warning System (6 United States Code (U.S.C.) sec. 321o-1.

Rationale: The mistaken missile alert issued in Hawaii in 2018 demonstrated that a majority of the population only tune in to a source for the EAS after notification about an emergency is received via a messaging type of service. The EAS activation display and announcement had finished and the EAS sources had returned to normal programming before the majority of people tuned in to an EAS source. The lack of collaborating information on an EAS source when people "tuned in" after receiving a WEA led to doubt and confusion about the emergency information received in the WEA, delaying people's response to the emergency message. The IPAWS was designed to integrate dissemination of a message about an emergency event simultaneously to multiple sources in order to increase the chance that people receive information about the emergency from multiple and diverse information sources. People receiving information about an event from more than one information source shortens the time people require to believe that the emergency is real and relevant to them before they take protective actions to minimize the impact of the emergency[4]. Emergency alert information needs to be persistent on EAS sources for the period of the alert so that people can receive, review, and collaborate, whenever they "tune in," with emergency information received previously from another emergency alert information source.

[4] Mileti, D. and J. Sorensen. Communication of Emergency Public Warnings: A Social Science Perspective and State-of-the-Art Assessment. Oak Ridge, TN: Oak Ridge National Laboratory Report ORNL-6609 for the Federal Emergency Management Agency, 1990.