

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. Introduction and Summary

The National Association of Broadcasters (NAB)¹ submits the following comments on the above-captioned Notice of Proposed Rulemaking, in which the Commission seeks comment on the addition of a new Emergency Alert System (EAS) event code that will allow the transmission of “Blue Alerts” to the public.² NAB supports efforts to provide the public with important information that is designed to increase the safety and security of the law enforcement community. The comments herein are designed to assist the Commission in developing the most effective manner in which public safety officials and broadcasters can implement these new alerts.

EAS is the nation’s primary warning system, providing vital information to Americans about weather emergencies and other potentially life-threatening situations.³ For over six decades, broadcasters have served as the backbone of EAS,⁴ disseminating timely alerts to

¹ The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of Part 11 of the Commission's Rules Regarding Emergency Alert System*, Notice of Proposed Rulemaking, PS Docket No. 15-94 (rel. June 22, 2017) (Notice).

³ Ajit Pai, Chairman, FCC, *Supporting Our Public Safety Heroes*, <https://www.fcc.gov/news-events/blog/2017/06/01/supporting-our-public-safety-heroes> (June 1, 2017).

⁴ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rulemaking, 10 FCC Rcd 1786, 1845 (1994).

the public even when other communications platforms fail, as well as life-saving news and information before, during, and after an emergency.

NAB supports the Commission's commitment to public safety, and in particular, its effort to facilitate the apprehension of suspects who pose an imminent threat to law enforcement officers by notifying the public of an actionable threat to law enforcement officers.⁵ NAB recommends certain measures designed to enhance the effectiveness of Blue Alerts. Specifically, we submit that the highly successful AMBER Alert program provides a useful model for implementation of Blue Alerts.⁶ For example, like the AMBER program, a uniform approach to Blue Alerts will facilitate nationwide implementation, uniform message formulation and the consistent dissemination of Blue Alerts by EAS Participants. Also similar to AMBER Alerts, the Commission should require a comprehensive training and technical assistance program for message originators to ensure efficient message origination. Finally, we agree with the Commission's proposed implementation period of six months, so long as a reasonable waiver process is available to broadcasters that face unexpected delays in introducing the new code.

II. The Commission Should Adopt a Blue Alert Approach That Mirrors the AMBER Alert System

The Department of Justice's Community Oriented Policing Services (COPS) Office that a dedicated EAS code would "facilitate and streamline the adoption of new Blue Alert plans through the nation and would help to integrate existing plans into a coordinated national

⁵ An actionable threat to an officer occurs when an officer is either missing, seriously injured in the line of duty, or imminently threatened. Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015, Pub. L. No. 114-12, 129 Stat. 192 (2015); 42 U.S.C. § 14165b.

⁶ Notice at ¶ 22.

framework.”⁷ The Commission notes that a federal Blue Alert program should encourage more states to adopt the code by providing uniform guidance and a centralized support system.⁸ Blue Alerts should also help to minimize potential confusion about the true nature or severity of an emergency situation. For example, some states may use the Law Enforcement Warning (LEW) code to warn the public about threats to law enforcement officers, and use the same code to inform drivers about hazardous road conditions.⁹ A dedicated BLU code may more accurately alert the public regarding police-related incidents.¹⁰

That said, we believe that implementation of a Blue Alert EAS code should be conditioned on certain steps designed to promote its effectiveness, and suggest the highly successful AMBER Alert system as a useful model.¹¹ Such an approach will make sure that alert originators have clear instructions and training for how and when to issue Blue Alerts, and that EAS providers understand the parameters for relaying such alerts.¹²

⁷ The Office of Community Oriented Policing Services is “the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.” Community Oriented Policing Services – U.S. Department of Justice, *About*, <https://cops.usdoj.gov/about> (last visited July 17, 2017). Blue Alert Foundation, *National Blue Alert System: About Us*, http://www.bluealert.us/about_us (last visited July 17, 2017).

⁸ Blue Alert Foundation, *National Blue Alert System: About Us* (noting that, of the nation’s 56 states and territories, 28 do not have Blue Alert systems).

⁹ LEW Alerts are created by a public official and then relayed by the NWS through EAS for the purpose of warning the public of dangerous conditions in a certain area.

¹⁰ Notice at 7; Blue Alert Foundation, *National Blue Alert System: About Us*.

¹¹ *Amber Alert FAQ*, <https://ojp.gov/newsroom/pdfs/amberfaq.pdf> (last visited July 17, 2017) (noting 24 states did not have an alert in September 2002, but by 2005, all 50 states had operational programs).

¹² Dep’t of Justice, *AMBER Alert – America’s Missing: Broadcast Emergency Response*, <https://www.amberalert.gov/index.htm> (last visited July 17, 2017).

A. Blue Alert Training and Technical Assistance Program

To ensure that Blue Alerts are issued effectively and consistently, NAB recommends the creation of a “Blue Alert Training and Technical Assistance Program” like the one used for AMBER Alerts.¹³ That well-established program delivers hundreds of training sessions in-person and online, reaching every state in the U.S., numerous Tribal communities, Canada and Mexico.¹⁴ Overall, 98% of participants have evaluated this AMBER Alert training as either good or excellent¹⁵ in improving the investigative responses of law enforcement in safely recovering abducted children.¹⁶

A similar program would greatly benefit Blue Alerts by educating stakeholders on uniform best practices for notifying the public when a law enforcement officer is in danger. Such a program should be available to law enforcement agencies, EAS Participants, and other parties.¹⁷ With the proper training, everyone involved will be equipped to accurately and efficiently warn the public when an officer is threatened.

B. Blue Alerts Should be Voluntary and Guided by Specific Criteria

Broadcasters take pride in their role as the public’s First Informers about severe weather, child abductions and other state or local emergencies. Regarding EAS, we

¹³ *Amber Alert Training and Technical Assistance Program Fact Sheet*, <https://ncjtc.fvtc.edu/Portals/2/Resources/RS00003868.pdf> (2017).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ National Criminal Justice Training Center, *Amber Alert*, <https://ncjtc.fvtc.edu/programs/PR00000010/amber-alert> (last visited July 17, 2017).

¹⁷ The Amber Alert Training and Technical Assistance Program provides training in the following: AMBER and the Media; Basic Forensic Response to Missing and Abducted Children; Canvassing, Search and Recovery Strategies for Abducted Children; Child Abduction Response Team; Child Abduction Response Team Certification; Investigative Strategies for Missing and Abducted Children; Leadership for Missing and Abducted Children; Specialized Strategies in Child Abduction Cases; and AMBER Alert Scenario-Based Training at Newsplex. <https://www.amberalert.gov/training.htm> (2017).

appreciate the Commission's recognition that delivery of EAS alerts (other than Presidential alerts) is voluntary for all participants,¹⁸ and support a similar approach for Blue Alerts. We further support the creation of specific standards and best practices for Blue Alerts, along the lines of the standards that govern AMBER Alerts, under which broadcasters can reasonably expect to issue AMBER Alerts based on criteria the parties previously agreed upon.¹⁹ Similar criteria will help guide the reliable broadcast of Blue Alerts.

Such criteria ensure that open lines of communications exist between alert originators and EAS Participants in a way that helps ensure effective alerting. Specifically, whenever broadcasters relay AMBER Alerts, they must work closely with law enforcement to ensure that all content is accurate, up-to-date and issued frequently until the situation is resolved.²⁰ For example, the AMBER Alert system requires law enforcement officials to provide a concise message, which must be easy to understand (without abbreviations or police jargon), easily assimilated and quickly disseminated.²¹ Additionally, under the AMBER Alert program, law enforcement agencies are directed to appoint a liaison, who remains available to their media partners for updates during the alert.²² Constant communication between participants and law enforcement officials helps establish a clear plan of operation for how quickly and how often EAS Participants should issue an AMBER Alert. A similar process for Blue Alerts would further the goal to protect law enforcement officials.

Accordingly, we propose that, as in the AMBER Alert program, Blue Alert stakeholders should agree that law enforcement officials will issue alerts only when established criteria

¹⁸ 47 CFR § 11.55(a).

¹⁹ *Amber Alert Best Practices*, <https://www.ojjdp.gov/pubs/232271.pdf> (May 2012).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

have been met. Law enforcement officials should also help EAS Participants provide accurate information, and provide a method for handling tips and inquiries once the alert has been activated. Also, like AMBER Alerts, news organizations may use information in a Blue Alert for news purposes, and supplement that information with legitimate reporting to better inform the public.²³ These and other criteria will help to ensure that Blue Alerts are accurate, timely and issued in an efficient manner.

III. NAB Supports a Six-Month Implementation Timeframe Provided There Is a Waiver Process for Broadcasters Who Need More Time

The addition of a new EAS event code for Blue Alert will come with costs for broadcasters. Regardless of the exact amount of those costs, broadcasters will need time and flexibility to implement the new code. Therefore, NAB supports the Commission's six-month timeframe from the effective dates of the rules.²⁴

Assuming upgrades can be made to broadcasters' equipment in a timely manner, six months should be enough time for most broadcasters to act. However, some legacy equipment may require more than just a simple software upgrade, so a realistic waiver process is warranted. Specifically, NAB proposes a six-month waiver option for broadcasters who can show good cause, with one or more renewals for the waiver to be granted by the Commission on a case-by-case basis.²⁵ This is a practical approach that will facilitate a smooth transition for broadcasters who may require additional time and flexibility to implement the new code.

²³ *Id.*

²⁴ Notice at ¶17.

²⁵ Precedent for this approach can be found in other EAS-related situations. 47 C.F.R. §§ 11.51(d) and 11.52(d)(4).

IV. Conclusion

The addition of a new event code to EAS for Blue Alert will benefit both our nation's law enforcement officers and the public in general. Accordingly, NAB supports the Commission's proposal to implement the Blue Alert code, subject to the conditions and suggestions proposed herein.

Respectfully submitted,

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