

Written Statement of

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All-Hazards Alert Systems

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## **EXECUTIVE SUMMARY OF KENNETH MORAN'S STATEMENT**

Since the Cold War era, the United States has had a mechanism in place for the President of the United States to communicate with the public in the event of a national emergency. Under the current Emergency Alert System (EAS), all analog broadcast radio, television, and cable systems are required to deliver a Presidential-level activation of EAS, but their use of EAS in response to State and local emergencies, while encouraged, is voluntary.

In light of today's homeland security threats, the Federal Communications Commission (Commission) remains acutely aware of the importance of timely and effective warnings. In addition, there are exciting changes in our communications media that may allow for improvements in our warning systems. As a result of these changes, EAS has recently been the subject of much examination. To ensure that the Commission does its part to contribute to an efficient and technologically current public alert and warning system, the Commission is conducting a rulemaking proceeding to consider whether the current EAS is the most effective way to warn the American public of an emergency and, if not, how the system can be improved.

As part of the current EAS proceeding, the Commission raised broad questions about whether the technical capabilities of EAS are consistent with the Commission's mission to ensure that public warning systems take full advantage of current and emerging technologies, particularly digital broadcast and wireless telecommunications media. For instance, the Commission noted that some parties argue that the purely voluntary nature of EAS at the state and local level results in an inconsistent application of EAS as an effective component of an overall public alert and warning system. The Commission also is considering issues such as what the respective roles of the federal government departments and agencies involved in the implementation of EAS should be, how the delivery pipeline for public warning can be made more secure and how it can be tested, how both emergency managers and the public can use and respond to a public warning system in the most effective manner, and how a public warning system can most effectively provide emergency warnings to the disabled community and those for whom English is a second language. Indeed, a key focus of the Commission's inquiry is how to reach each and every citizen.

The Commission has coordinated closely with the Department of Homeland Security (DHS) and its component, the Federal Emergency Management Agency (FEMA), and with the National Oceanic and Atmospheric Administration (NOAA) and its component, the National Weather Service (NWS). The Commission values these agencies' continued participation in our review of EAS.

The Commission looks forward to working with Congress, our colleagues at other federal, state and tribal agencies, and the public to ensure that it can provide such a warning system to our citizens.

## INTRODUCTION

Mr. Chairman and members of the Subcommittee:

Good morning. I am Kenneth Moran, Acting Director of the Federal Communications Commission (Commission) Enforcement Bureau's Office of Homeland Security. I welcome this opportunity to appear before you to discuss the Emergency Alert System, or EAS.

The Commission is well aware that an effective public alert and warning system is an essential element of emergency preparedness, and that such a system is impossible without effective communication and coordination within the federal government, as well as with the active participation of the states and the private sector. Accordingly, the Commission has been working with other Federal agencies, state governments, and industry to ensure that the American public is provided with a robust, efficient, and technologically current alert and warning system.

## BACKGROUND

The forerunner of our current Emergency Alert System originated in the early days of the Cold War when President Truman established the "CONELRAD" system as a means to warn the public of an imminent attack. Since that time, CONELRAD has given way to the Emergency Broadcast System, which in 1994 was replaced by EAS. From the early CONELRAD days to the present, the Commission has played a critical role in ensuring that the President of the United States would be able to communicate with the American public in the event of a national emergency. Today's EAS uses analog radio and television broadcast stations, as well as wired and wireless cable systems, to deliver a national Presidential message. When activated, EAS would override all other broadcasts or cable transmissions, national and local, to deliver an audio

Presidential message. This system is mandatory at the national level, but is also available on a voluntary basis for states and localities to deliver local emergency notifications.

The Commission, in conjunction with the Federal Emergency Management Agency (FEMA) and the National Weather Service (NWS), implements EAS at the federal level. Our respective roles currently are based on a 1981 Memorandum of Understanding between FEMA, NWS, and the Commission, on a 1984 Executive Order, and on a 1995 Presidential Statement of Requirements.

The Commission's EAS rules are focused on *national* activation, and the delivery of a Presidential message. The Commission's rules prescribe: (1) technical standards for EAS; (2) procedures for radio and television broadcast stations and cable systems to follow in the event EAS is activated; and (3) EAS testing protocols. Under the rules, national activation of EAS for a Presidential message is designed to provide the President the capability to transmit from any location at any time within ten minutes of the system's activation, and would take priority over any other message and preempt other messages in progress. Currently, only analog radio and television stations, and wired and wireless cable television systems, are required to implement the national EAS. Other systems, such as digital television (DTV), Direct Broadcast Satellite television (DBS), Low Earth Orbit (LEO) satellite systems, paging, Satellite Digital Audio Radio Service (SDARS), and In-Band-On-Channel Digital Audio Broadcasting (IBOC DAB) are currently not required to participate in EAS.

The decision to activate the national-level EAS rests solely with the President. FEMA acts as the White House's executive agent for the development, operations, and maintenance of the national level EAS and is responsible for implementation of the national level activation of EAS, as well as EAS tests and exercises.

EAS is essentially a hierarchical distribution system. FEMA has designated 34 radio broadcast stations as Primary Entry Point (PEP) stations. At the request of the President, FEMA would distribute the “Presidential Level” messages to these PEP stations. The PEP stations are monitored in turn by other stations in the hierarchical chain. Commission rules require broadcast stations and cable systems to monitor at least two of the EAS sources for Presidential alerts that are specified in their state EAS plans. Initiation of an EAS message, whether at the national, state, or local level, is accomplished via dedicated EAS equipment. The EAS equipment provides a method for automatic interruption of regular programming and is capable of providing warnings in the primary language that is used by the station or cable system.

Along with its primary role as a national public warning system, EAS – and other emergency notification mechanisms – are part of an overall public alert and warning system, over which FEMA exercises jurisdiction. EAS use, as part of such a public warning system at the state and local levels, while encouraged, is voluntary. Nevertheless, the public receives most of its alert and warning information through the broadcasters’ and cable systems’ voluntary activations of the EAS system on behalf of state and local emergency managers.

#### CURRENT ISSUES AND THE COMMISSION’S RULEMAKING PROCEEDING

As noted above, the public relies heavily on EAS for emergency information. EAS therefore serves a critical purpose, but it currently only applies to analog radio and television stations, and wired and wireless cable television systems. In August 2004, the Commission began a rulemaking proceeding to review whether we need to either update EAS or replace it with a more comprehensive and effective warning system.

In initiating its rulemaking, the Commission encouraged commenters to consider recommendations from two public/private partnerships that have studied EAS issues extensively: the Media Security and Reliability Council (MSRC), an industry-led Federal Advisory Committee comprised of representatives from the radio, television, multi-channel video, public safety, and disabilities communities, and the Partnership for Public Warning (PPW), a not-for-profit, public/private partnership that was incorporated with the goal of promoting and enhancing effective, integrated dissemination of public warnings.

The Commission has received comments from numerous interested individuals, federal entities, state and local emergency planning organizations, and various sectors of the telecommunications industries. We have coordinated with DHS and its component, FEMA, and with the Department of Commerce and its component, the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service, and we will continue to do so.

The overarching question addressed in the proceeding is whether EAS in its present form is the most effective mechanism for warning the American public of an emergency, and, if not, how EAS can be improved. Most of the parties who commented agree that our warning system should be improved. Most – including MSRC and PPW – also advocate upgrading, rather than replacing EAS, to take advantage of the existing EAS infrastructure.

The Commission's rulemaking proceeding addresses a number of specific and timely issues. For instance, the Commission noted that some parties argue that the purely voluntary nature of EAS at the state and local level results in an inconsistent application of EAS as an effective component of an overall public alert and warning system. To address these arguments, the Commission is examining whether permissive state and local EAS participation remains appropriate today, and whether uniform national guidelines should apply to state and local EAS

implementation. Some parties who commented on this issue support continuing voluntary participation, at least for the present, while the Commission considers broader changes to EAS. Some parties also stated that participation, though voluntary, is widespread. These parties generally support continuing the voluntary nature of EAS

The Commission's Notice of Proposed Rulemaking (NPRM) initiating the open proceeding focused on the fact that EAS is currently mandated only for analog television and radio, and for cable systems, which represent an increasingly smaller part of our information sources. The Commission is considering whether and how EAS obligations should be extended to services not currently covered – *e.g.*, digital television and radio, and satellite radio and television. Many commenters support the Commission's efforts to extend the EAS rules to digital broadcasters.

The NPRM also asked questions about whether the technical capabilities of EAS can or should be applied to other communications platforms. Along with digital broadcast, new digital wireless technologies, including cellular telephony and personal digital assistants, are rapidly redefining the communications landscape, making available to the public warning technologies that are far more flexible and effective than the analog broadcast mechanism currently employed by EAS. The Commission is considering whether there should be an effort to use such technologies to form a comprehensive national public warning system capable of reaching virtually everyone all the time by combining EAS with alternative public alert and warning systems. We received a number of comments about methods, such as cell phone broadcasting, that could expand the reach of our warning systems in the future. In their comments, DHS and FEMA also noted that they are investigating new technologies for this purpose.

The Commission also is examining security and reliability issues relevant to EAS and on the important question of how best to supply an effective public warning system to the disabled community and non-English speakers. The Commission is also considering the role of various federal government departments and agencies, as well as local authorities, in implementing EAS.

In addition, the Commission is involved in other initiatives, beyond its rulemaking proceeding, to address the effectiveness of our nation's warning systems. For instance, the Commission is participating in the Task Force on Effective Warnings Materials, a group of federal departments and agencies that has been assembled to examine existing and planned disaster warning and communications systems, and to make recommendations to ensure that these systems are effective. We will continue to share our expertise and views, and to seek the expertise and views of others, on these important issues.

## CONCLUSION

The Commission looks forward to working with Congress, our colleagues at other federal, state, and tribal agencies, and the public to ensure that we can provide an effective and technologically advanced warning system to our citizens. The Commission also is aware that the Congress is taking an active interest in the issue of public alert and warning, and stands ready to provide whatever technical assistance that the Congress would find helpful in this regard.