

Prepared Testimony of

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“This is Not a Drill: An Examination of Emergency Alert Systems”
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Good morning, Chairman Thune, Ranking Member Nelson, and Members of the Committee. Thank you for the opportunity to appear before you to discuss our nation’s emergency alerting systems.

The false alert issued on January 13th by the State of Hawaii, in which recipients were warned of an imminent ballistic missile attack, was absolutely unacceptable. It resulted in widespread panic, and the extended period it took to correct the error – nearly 40 minutes – compounded the problem. Looking beyond the immediate consequences of the mistake, which were serious in and of themselves, this cry of “wolf” damaged the credibility of alert messaging, which can be dangerous when a real emergency occurs.

The Commission acted swiftly in the wake of this incident to open an investigation into the matter. That investigation is ongoing—we had investigators on the ground in Hawaii just last week—but based on information gathered to date, it appears that the false alert was issued as a result of both human error and the state having insufficient safeguards and process controls in place to prevent that human error from resulting in the transmission of a false alert. The Hawaii Emergency Management Agency has advised us that it is working with its vendor to integrate additional technical safeguards into its alert origination software, and has changed its protocols to require two individuals to sign off on the transmission of tests and live alerts.

Moving forward, the Commission will focus on what steps need to be taken to prevent a similar incident from happening again. Federal, state, and local officials throughout the country need to work together to identify any vulnerabilities to false alerts and do what’s necessary to fix them. We also must ensure that corrections are issued immediately after a false alert goes out in order to minimize panic and confusion. Emergency alerting systems provide timely and life-saving information to the public, and we must take all measures to bolster and restore the public’s confidence in these systems.

The incident in Hawaii is very present in our minds. But I don’t want this incident to detract from the benefits of and success stories behind wireless emergency alerts. In this respect, I would like to describe the FCC’s efforts to support Wireless Emergency Alerts, commonly known as “WEA,” since the system was deployed in April 2012. In the last 5 years, WEA has been used to issue over 33,000 emergency alerts. WEA helps individuals take protective action in cases of threats to life and property. The National Weather Service alone has sent well over 21,000 WEA alerts. For example, we understand that local California officials used WEA four times in response to the 2017 wildfires in Northern California, and sixteen times for the Los Angeles area wildfires. Representatives from the California Governor’s Office of Emergency

Services and officials in Marin and Mendocino Counties reported successful use of WEA to move citizens in their jurisdictions to safety. WEA was also used extensively in all areas affected by the 2017 hurricanes, including 21 WEA alerts sent in Puerto Rico alone.

WEA also helps to recover missing children. In 2016 alone, 179 AMBER Alerts were issued in the U.S. involving 231 children. Since the system was deployed in 2012, WEA has been credited with the safe return of 25 missing children. For example, on May 14, 2016, in North Las Vegas, Nevada, a 22-month-old child was abducted and driven off in a stolen car. An AMBER Alert was immediately activated and sent out to cell phones using the WEA system. The kidnappers took the child to their friend's house, and while they were there, the WEA Alert began to arrive on everyone's phone. The abductors tried to flee, but the friend took the child and the car keys, called 911, and brought the child to a police station. The child was safely rescued, and the kidnappers were arrested.

The Commission places the highest priority on ensuring that emergency management authorities and first responders have the most up-to-date tools available to respond to such events. Since WEA was first deployed in 2012, the Commission has taken significant steps to enhance federal, state, and local alert and warning capabilities to leverage advancements in technology.

In September 2016, the Commission adopted rules to enable wireless alerts to contain more content by increasing message length from 90 to 360 characters and by supporting embedded phone numbers and URLs. It also took action to enable support for alerts written in Spanish and make it easier for state and local authorities to test WEA, train personnel, and raise public awareness about the service.

The Commission also recognized that it is critical for emergency managers to be able to geographically target alerts to only those phones located in areas affected by an emergency. When the WEA program launched in 2012, participating wireless providers were generally required to send the alerts to a geographic area no larger than the county or counties affected by the emergency situation. As of last November, all participating wireless providers are now required to transmit alerts to a geographic area that best approximates the area affected by the emergency situation, even if it is smaller than a county.

But the Commission is not stopping there. Next Tuesday, the Commission will vote on an Order that would require participating wireless providers to target alerts with an overreach of no more than one tenth of a mile. Public safety officials strongly support our proposed action. For example, APCO recently hailed the Chairman Pai's proposal as a "dramatic enhancement to WEA" that will provide public safety professionals with increased confidence that the system will be able to deliver emergency information more efficiently.¹ State and local governments also support the Chairman's proposal. For example, Harris County states that the Chairman proposal "will empower local public safety officials with the tools necessary to keep WEA relevant" and that if "adopted in a way that clearly outlines intended expectations and requirements, it will be the single most important improvement to the nation's alerts and warnings infrastructure in years."²

¹ Ex Parte Letter from Jeffrey S. Cohen, Chief Counsel, APCO, PS Docket No. 15-91 (Jan. 12, 2018).

² Ex Parte Letter from Francisco Sanchez, Deputy Emergency Management Coordinator, Harris County, PS Docket No. 5-91 (Jan. 19, 2018).

Enhanced geo-targeting is one among several pertinent improvements currently before the Commission that would make WEA a more powerful tool for saving lives during emergencies. By matching alerts to phones actually located within the affected area, the Commission's proposal would assist emergency response efforts and instill confidence in the public's reliance on WEA. Because people will be receiving alerts that are relevant to them, they will be less likely to opt out of the program and more likely to take the alerts they receive seriously. We are also currently considering how to provide emergency managers with the ability to transmit alerts in languages in addition to English and Spanish, alerts that can contain pictures, and alerts that could provide the public with the ability to reply. While WEA is a powerful alert and warning tool, it is also important to note that it is only one among several tools available to emergency managers to alert and warn their communities.

For example, the Emergency Alert System, or EAS, is the traditional system used to provide alerts and warnings to the public over broadcast, cable and satellite systems, and remains a vital tool for emergency managers, state and local authorities. The Commission has been working to modernize the EAS to ensure that it remains a relied upon and useful tool. For example, just this past December the Commission adopted a new "blue alert" code for both EAS and WEA that will allow alert originators to provide targeted information to the public regarding threats to law enforcement and to help apprehend dangerous suspects. In addition, in November the Chairman circulated an item for the Commission's consideration that would modernize and streamline the filing process for EAS state plans.

Over the past several years, the FCC has also worked closely with FEMA to conduct nationwide tests of the EAS to assess its reliability and effectiveness. The FCC has also successfully deployed the EAS Electronic Reporting System, or ETRS, a user-friendly database that allows the over 25,000 EAS participants to report test results in close to real time. The most recent test was conducted on September 27, 2017, and our initial analysis of the ETRS results shows improvements in most areas. For example, results indicate more than 95 percent of participants received the test alerts, and nearly 92 percent successfully retransmitted the alert—both up from the previous year. Further, more than twice as many EAS Participants retransmitted the Spanish language version of the alert than was the case in 2016. In all, we are encouraged by the results and will continue to strive to find ways to enhance the EAS as well.

In closing, we look forward to partnering with emergency management professionals from your jurisdictions on the alerting capabilities that they need to use the EAS and WEA with confidence during crises when every second counts.

Thank you for your consideration, and I look forward to any questions you may have.