

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

Comments from the Federal Emergency Management Agency (FEMA)

Integrated Public Alert and Warning System (FEMA IPAWS) Program Office

FEMA appreciates the continued opportunities to work with federal, state, local, tribal, territorial, and industry partners to distribute timely and effective alerts, warnings, and emergency communications with the public to preserve life and property. FEMA is required to maintain the integrity of the public alert and warning system.¹ FEMA submits these comments in response to the Notice of Proposed Rulemaking in accordance with its obligation under the Integrated Public Alert and Warning System Modernization Act of 2015, which requires FEMA to ensure the ability to “provide timely and effective warnings regarding natural disasters, acts of terrorism, and other man-made disasters or threats to public safety” and “modernize the integrated public alert and warning system of the United States.”² The Act further charges FEMA with “[adopting], as appropriate ... standards, terminology, and operating procedures for the public alert and warning system” and states that FEMA shall “consult and coordinate with

¹ 6 U.S.C. §321o-1 – Integrated public alert and warning system (2022).

² Public Law 114–143 Section 526.

the Federal Communications Commission, taking into account rules and regulations promulgated by the Federal Communications Commission.”³ FEMA is also responsible for providing guidance on the categories of public emergencies that warrant an alert.⁴

The first goal of FEMA’s 2022-2026 Strategic Plan is to instill equity as a foundation of emergency management. We recognize that disasters affect individuals and communities differently and commit ourselves to reducing barriers to access and delivering equitable outcomes for all we serve.⁵ The FCC’s effort to establish a uniform approach to saving our nation’s Missing and Endangered Persons (MEPs) using FEMA’s national alert and warning system aligns with our mission and core values. FEMA IPAWS has engaged with Tribal, State, and Local IPAWS Alerting Authorities (AAs) who favor this proposed rule change to create an Emergency Alert System (EAS) event code that clearly communicates to the listening and viewing public that the presented alert is addressing a missing and endangered person. During these engagements, discussions have focused on the number of people representing circumstances that do not meet the legislative criteria for AMBER Alerts to find MEPs.⁶ Our FEMA IPAWS Program Office offers the following comments regarding creating a new event code for MEP.

Discussion

³ Public Law 114–143 Section 526.

⁴ Public Law 116-92 Section 1756.

⁵ FEMA Strategic Plan 2022-2026 pg. 3

⁶ AMBER Alert Criteria from the Department of Justice: There is reasonable belief by law enforcement that an abduction has occurred. The law enforcement agency believes that the child is in imminent danger of serious bodily injury or death. There is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child. The abduction is of a child aged 17 years or younger. The child’s name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system. “Guidelines for Issuing AMBER Alerts | AMBER Alert.” AMBER Alert, amberalert.ojp.gov/about/guidelines-for-issuing-alerts#summary-of-department-of-justice-recommended-criteria.

FEMA supports the creation of a new event code to expand emergency messaging for MEPs that fall outside the current criteria of an AMBER Alert⁷. If implemented, the FCC's proposed rule would promote stronger nationwide coordination on alerting for MEPs, address the existing discrepancies in alerts between different jurisdictions, mitigate public confusion on the meaning of various alerts, and ensure that federal rules and regulations cover more cases of MEPs. If implemented, FEMA strongly believes that the FCC's proposed rule will help save the lives of MEPs across the United States and Tribal Nations.

FEMA IPAWS research indicates that Alerting Authorities increasingly use alerts beyond the federally codified AMBER Alert. Due to the success of the AMBER Alert program, jurisdictions across the nation have implemented legislation that assigns unique names and colors to alerts that FEMA IPAWS Alerting Authorities are required to use. FEMA IPAWS research shows that more than forty missing and endangered alert names lack uniformity in alert criteria and/or requirements and can create public confusion, especially when traveling from state to state. Establishing a dedicated EAS event code for MEPs and the subsequent policy, guidance, socialization, and public awareness campaigns will contribute to a national unified messaging approach to finding MEPs. Without nationwide coordination on alert codes for missing persons, significant disparities will continue in the types of alerts sent by jurisdictions and meaningful differences in the criteria for those alerts. FEMA IPAWS has identified over forty different alert types used by jurisdictions throughout the United States without coordinated criteria.⁸ Creating a

⁸ List of current different active alerts used by IPAWS AAs for missing persons: Active Shooter Alert, AMBER Alert, Ashanti Alert, Blue Alert, Brittany Alert, Camo Alert, Coordinated Law Enforcement Adult Rescue, Code Purple, Emergency Missing Child Alert, Endangered Adult Alert, Endangered Child Alert, Endangered Missing Adult Alert, Endangered Missing Advisory, Endangered Missing Persons Advisory, Endangered Person Alert, Endangered Silver Alert, Endangered Young Adult Alert, Feather Alert, Gold Alert, Golden Alert, Green Alert, Kimberly's Call, Levi's Call, Mattie's Call, Medina Alert, Missing and Murdered Indigenous Relatives Alert,

unified MEP event code will address many missing persons who currently fall outside the requirements for use of the federal EAS Child Abduction Emergency (CAE) event code. FEMA will continue to partner with the FCC to implement the best solution.

FEMA recognizes that creating a new MEP event code is the first step toward a practical national approach. Establishing new criteria for MEP alerts should be executed carefully to avoid unintended consequences, such as increased alert fatigue.⁹ FEMA supports and seeks to partner with the FCC to study approaches that mitigate the risk of alert fatigue.

FEMA also understands that EAS Participants can voluntarily send alerts following 47 CFR Part 11. We look forward to working with the FCC, the broadcast industry, Alert Originators (AOs), and relevant stakeholders to determine how alerts using the MEP event code can be successfully implemented. The National Center for Missing and Exploited Children (NCMEC) reports that seventy-three percent (73%) of children, following the issuance of an AMBER Alert, were located within three hours of issuance.¹⁰ The success rate of AMBER Alerts depends on fast response to the alerts. FEMA anticipates that a successful MEP event code implementation will hinge on executing similar protocols to achieve a similar success rate.

Regarding the FCC request for comment on “Efficacy of the EAS as a mechanism for delivering Ashanti Alerts”

Missing Child Alert, Missing College Student Alert, Missing Endangered Alert, Missing Endangered Persons Alert, Missing Indigenous Persons Alert, Missing Persons with Autism Alert, Missing Persons with Developmental Disabilities Alert, Missing Senior Alert, Missing Senior Citizen Alert, Missing Vulnerable Adult Alert, Power Outage Alert, Public Threat Alert, Purple Alert, Senior Alert, Silver Alert, Vulnerable Adult Medical Alert, Yellow Alert, and Zack Alert.

⁹ Emergency Alert and Warning Systems: Current Knowledge and Future Research Directions.

¹⁰ 2022 AMBER Alert Report, National Center for Missing & Exploited Children. National Center for Missing & Exploited Children. 2022 AMBER Alert Report. 2022, www.missingkids.org/content/dam/missingkids/pdfs/amber/2022_Annual_AMBER_Alerts_Report_Final.pdf.

FEMA supports the use of EAS to deliver Ashanti Alerts nationally.¹¹ EAS is the broadest and most resilient system for relaying emergency messages. FEMA values the resilience and continuity of our alerting ecosystem, which requires multiple dissemination methods to be available. FEMA IPAWS notes that AM/FM radio and television broadcasting are significantly distributed to alert communities. If the FCC creates the new event code for MEPs following the same approach as the CAE event code, FEMA believes there will be no constraints that would impede the EAS's ability to contain the information required.

Regarding the FCC request for comment on “Implementation of the Proposed MEP event code.”

FEMA supports the creation of an EAS event code to provide a central and organizing element for MEPs and Ashanti Alert plans across the nation, thus facilitating the work of the National Ashanti Alert Network. FEMA believes that a dedicated EAS event code helps to integrate existing codes used by the states into a coordinated national network. If the Proposed Rule is implemented, the new event code should encourage using alert and warning tools to support messaging to the public for an expanded demographic of missing persons. Additionally, FEMA emphasizes the importance of a coordinated socialization and outreach campaign following the potential implementation of the Proposed Rule. FEMA aims to work closely with the FCC to inform and empower jurisdictions to use the MEP event code effectively and educate the public on its purpose and value.

¹¹ The Bureau of Justice Assistance states The Ashanti Alert Act of 2018 (Pub L. 115-401) was signed into law on December 31, 2018. It authorizes the U.S. Attorney General to establish a national communications network to enable and help facilitate regional and local search efforts for missing individuals who fall outside the scope of America’s Missing: Broadcast Emergency Response (AMBER) Alerts and Silver Alerts. The legislation aims to encourage, enhance, and integrate the development of Ashanti Alert Plans and enhance communications among participating states, territories, and tribes in locating missing adults. Participation in this effort is voluntary. The act aims to ensure that states, territories, and tribes that are voluntarily implementing an Ashanti Alert Plan have access to guidance and resources.

Regarding the FCC request for comment on “Missing and Endangered Indigenous Persons”

FEMA values the FCC’s effort to address the historically disproportionate effect of missing and endangered person cases on Tribal communities. FEMA understands that Tribal Nations are independent sovereign Nations, and each Nation has its own unique view and perspective. FEMA defers to any comments submitted by Tribal Nations that they may submit in response to this Notice. FEMA looks forward to working with the FCC and Tribal Nations to partner on solutions in the future.

Regarding the FCC request for comment on “Wireless Emergency Alerts”

FEMA supports the proposed question of revising 47 CFR Part 10 to include an expansion of the criteria for issuing a Wireless Emergency Alert (WEA) to include the criteria proposed in the requirements for the MEP event code for EAS. FEMA supports updating the WEA parameters to include MEP with a single handling code, similar to the parameters used for AMBER Alerts. A unique handling code for MEP would help eliminate confusion with Alerting Authorities when selecting the correct handling code for missing person alerts.

FEMA stresses the importance of weighing the effectiveness of audio attention signals and vibration cadence and providing Alert Originators (AOs) with as many tools as possible to reach the public. In some situations, such as active shooter emergencies, providing AOs with the ability to send an alert without an audio attention signal may be beneficial. Enabling this functionality would increase the number of situations where AOs can and will send alert messages. FEMA IPAWS looks forward to working closely with the FCC to investigate additional situations where audio attention signals and vibration cadence may cause unintended harm.

FEMA IPAWS seeks to partner with the FCC to conduct further research into the effects of audio attention signals and vibration cadence on public perception of WEAs and the increase in users who opt out of receiving alerts. FEMA believes that the principal goal of any further rulemaking should be to increase the effectiveness of alerts. FEMA looks forward to partnering with the FCC to advance this research and to determine whether providing AOs with the capability to send WEAs without audio attention signals or vibration cadence would increase either the use of MEP WEAs or the public's responsiveness to alerts. FEMA will work with the FCC to explore this question and provide updates on FEMA IPAWS research as it becomes available.

FEMA also understands that if implemented in WEA, public members may opt out of receiving alerts for several reasons. FEMA IPAWS is actively researching to understand better the factors that lead to users opting out. A review of the test data from the National Test held in October 2023 is the catalyst for continued research. FEMA continues to promote the public's ability to receive all alerts without opting out. The Amber Alert program has demonstrated that minutes matter, and MEP timelines will be just as critical.

FEMA supports the creation of the MEP event code in EAS and WEA parameters, and we look forward to working with the FCC on this national initiative to save lives.



Deanne B. Criswell
Administrator
Federal Emergency Management Agency
500 C St., SW
Washington, DC