

**Written Statement
Of**

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Good Morning Chair Norton, Ranking Member Graves and Members of the House Subcommittee on Economic Development, Public Buildings, and Emergency Management. Thank you for the opportunity to appear before you on behalf of the Federal Communications Commission to discuss the FCC's efforts to develop a robust and reliable Emergency Alert System (EAS) and to establish a Commercial Mobile Alert System as required by the Warning Alert and Response Network (WARN) Act.

Introduction

One of the FCC's primary statutory obligations is to promote the safety of life and property through the use of wire and radio communication. An essential element of that obligation is to ensure that all Americans have the capability to receive timely and accurate alerts, warnings, and critical information regarding disasters and other emergencies, irrespective of what communications technologies they use. As we have learned from recent disasters, such a capability is essential to enable Americans to take appropriate action to protect their families and themselves from loss of life or serious injury.

The Commission, under the leadership of Chairman Kevin J. Martin, has taken a number of steps to enhance the reliability and robustness of the Nation's EAS. In addition, the Commission continues to implement the WARN Act which establishes a framework by which commercial mobile service (CMS) providers may elect to voluntarily transmit emergency alerts to their subscribers. I will briefly summarize the Commission's efforts in these areas.

Emergency Alert System

For over 50 years, the United States has had a mechanism in place to deliver alerts to the American public, particularly for the President to communicate with the public in the event of a national emergency. That system – the EAS – requires EAS Participants including radio, television and cable systems, to deliver emergency alerts to the population. Under the leadership of Chairman Martin, the FCC continues to enhance the manner in which this alert and warning system takes advantage of new technologies. For example, in November 2005, the Commission expanded the scope of EAS to include digital broadcast radio and television, digital cable television and satellite radio and television. Last year, the Commission further expanded the EAS to include Internet Protocol-based video programming services offered by wireline telephone companies.

The Commission also has taken steps to ensure a more robust and reliable Next Generation EAS. Last year, the Commission required EAS Participants to have the capability to receive Common Alerting Protocol (CAP)-formatted EAS alerts no later than 180 days after the Federal Emergency Management Agency (FEMA) publishes the CAP technical standards and requirements. The Commission also: (1) required EAS Participants to adopt Next Generation EAS delivery systems no later than 180 days after FEMA releases standards for those systems; (2) preserved the current EAS network, but enhanced its effectiveness and redundancy by enabling EAS delivery upgrades; and (3) required EAS Participants to transmit state and local EAS alerts that are originated by governors or their designees no later than 180 days after FEMA publishes its adoption of the CAP standard, provided that the state has submitted and received Commission approval for a state EAS plan that describes how such alerts will be transmitted.

Commercial Mobile Alert System

The Commission has also taken steps to implement the WARN Act, which established a process for the creation of a Commercial Mobile Alert System whereby commercial mobile service providers could voluntarily transmit emergency alerts to their subscribers. Under this statute, the Commission was required to undertake a series of actions to accomplish that goal. I am pleased to report that the Commission has met all of its WARN Act deadlines to date, and has taken significant steps to facilitate the development of an effective Commercial Mobile Alert System.

First, the Commission was required to establish and convene an advisory committee to recommend technical standards and other requirements by which commercial mobile service providers could voluntarily transmit emergency alerts. The Commission established an advisory committee, the Commercial Mobile Service Alert Advisory Committee (CMSAAC), consisting of a balanced array of experts. This included: representatives of public safety organizations such as the Association of Public Safety Communications Officials, International, the International Association of Fire Chiefs and the National Association of State EMS Officials; local governments including Contra Costa County, California and the City of New York; a Federally-recognized Indian tribe; five major wireless carriers and an organization representing rural carriers, equipment manufacturers, and vendors; the National Association of Broadcasters as well as the Texas, Michigan, and Florida state broadcasters associations; the Association of Public Television Stations; organizations representing people with disabilities and the elderly; and Federal government agencies, including FEMA and the National Oceanic and Atmospheric Administration (NOAA) and other experts. As required by the WARN Act, the Committee held its first meeting on December 12, 2006.

Next, the WARN Act required that the advisory committee develop and submit its recommendations to the Commission by October 12, 2007. The CMSAAC submitted its report to the Commission in a timely manner, recommending an end-to-end alerting system. Under the recommended system, alerts from Federal, state, tribal, and local governments would be received by an Alert Aggregator that would aggregate, authenticate, and validate the alerts. The alerts would then be sent to an Alert Gateway which would process the alert into a 90-character format that could be sent to CMS Providers. The alert would then be sent to CMS Providers' gateway and infrastructure for processing, and then ultimately transmitted to subscribers' handsets. Many of the wireless carriers indicated during the Committee's deliberation and in comments in the rulemaking that a Federally-administered alert aggregator/gateway was essential to their voluntary participation in the CMAS.

On December 14, 2007, the Commission issued a Notice of Proposed Rulemaking seeking comment on implementation of the WARN Act, including the recommendations of the advisory committee. The Commission received over 60 comments on the issues raised in the Notice.

Based on the advisory committee's recommendations, the Commission was required to adopt technical standards, protocols, procedures, and technical requirements by April 9, 2008. I am pleased to report that the Commission released its CMAS Report and Order, adopting those requirements by the statutorily required date.

The Commission's Order generally adopted the advisory committee's recommendations. It adopted the end-to-end architecture for the CMAS proposed by the advisory committee. It also concluded that a Federal government entity should perform the alert aggregator and alert gateway

functions, as recommended by the advisory committee. We are pleased that the Federal Emergency Management Agency has announced that it will perform these two functions.

The Commission's Order also adopted technical requirements for elements of the CMAS controlled by the CMS provider (*i.e.*, the CMS Provider Gateway, CMS provider infrastructure and handsets). In addition, the order adopted technologically neutral rules requiring participating CMS providers to: (1) transmit three classes of emergency alerts – Presidential, Imminent Threat, and AMBER alerts; (2) target alerts at areas no larger than the county-level, as recommended by the advisory committee; and (3) include an audio attention signal and vibration cadence on CMAS-capable handsets in order to ensure that people with disabilities have access to these alerts. Due to implementation issues, including network congestion concerns raised by wireless carriers during both the Committee's deliberations and the rulemaking proceeding, the Commission declined at the time to require participating CMS providers to transmit alerts in languages in addition to English. With respect to the availability of CMAS alerts while roaming, subscribers will receive alert messages if the carrier operating the network has a roaming agreement with the subscriber's CMS provider and is participating in the CMAS, and the subscriber's mobile device is configured for and technically capable of receiving alert messages. Finally, the Commission determined that CMAS alerts may not preempt an ongoing phone call or data session.

Next Steps

Over the next several months, the Commission will continue to take steps to improve the EAS and to establish the CMAS. In an effort to ensure that all Americans are able to receive emergency alerts and information, the Commission is currently working on an Order that will address the best ways to ensure that Americans who do not speak English and those with disabilities are able to receive EAS alerts and emergency information in general. This action would be in addition to the rules the Commission has previously adopted requiring broadcast television licensees and cable television service providers to make local emergency information accessible to persons who are deaf or hard of hearing, and to persons who are blind or have visual disabilities. The pending order also takes steps to improve the Commission's ability to assess EAS operations and system readiness.

The Commission also expects to meet its remaining statutory deadlines under the WARN Act. By early July 2008, the Commission will adopt rules requiring non-commercial educational (NCE) and public broadcast stations to install equipment and technologies to enable the distribution of geo-targeted alerts by CMS providers that have elected to transmit emergency alerts. In addition, by early August 2008, the Commission will adopt rules regarding, among other things, the procedures whereby CMS providers must elect whether they will transmit alerts over the CMAS.

Coordination with Federal Colleagues

The Commission has – and will – continue to coordinate with other stakeholders on alert and warning issues. The Commission has worked and coordinated with FEMA and NOAA on alerting issues as they relate to both the EAS and the CMAS, as well as issues of concern to state and local governments. In addition, both agencies played a role in the advisory committee's development of the technical requirements that the Commission ultimately adopted pursuant to the WARN Act. The Commission has also worked with FEMA on issues related to DHS's implementation of Executive Order 13407, which gives DHS primary responsibility for development of an integrated public alert and warning system. The Commission looks forward to continued work with FEMA on the

development of the CMAS and stands ready to support FEMA in implementation of H.R. 6038, legislation introduced by Ranking Member Graves and cosponsored by Chair Norton, should it be enacted.

The FCC will also continue to reach out to state, local, and industry stakeholders. To this end, last month, the FCC's Public Safety & Homeland Security Bureau hosted a summit on the current and future state of EAS. This summit brought Federal, state and local governments as well as industry stakeholders together to discuss ways to improve the EAS.

The Commission has also sought to educate industry stakeholders about the FCC's EAS and CMAS rules. For example, earlier this year, the Commission updated its EAS handbooks for broadcast radio and television stations and cable television service providers and created new EAS handbooks for satellite radio and television service providers. The Commission also developed Spanish-language versions of these handbooks. In addition, last month FCC staff participated in a web-based industry training seminar designed to educate small wireless carriers about the FCC's CMAS rules. The purpose of the training was not only to educate, but to encourage small wireless carriers, who often serve the most rural parts of our Nation, to participate in the CMAS.

The Commission will continue with all of these efforts in order to ensure that Americans have effective, reliable emergency alert and warning systems.

Conclusion

Thank you for the opportunity to appear before you today. This concludes my testimony and I would be pleased to answer any questions you may have.