

Written Statement of

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EXECUTIVE SUMMARY OF JULIUS KNAPP'S STATEMENT

Since the Cold War era, the United States has had a mechanism in place for the President to communicate with the public in the event of a national emergency. Under the current Emergency Alert System, (known as 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. Effective December 31, 2006, digital television broadcasters, digital cable systems, digital audio broadcasters, and Satellite Digital Audio Radio Service providers will be required to deliver Presidential EAS messages and, effective May 31, 2007, Direct Broadcast Satellite providers will be required to do so.

In light of today's homeland security threats and potential for natural disasters, 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 additional improvements in our warning systems. As a result of these changes, EAS has recently been the subject of much examination. To ensure that we do our 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.

In an August 2004 Notice of Proposed Rulemaking, 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. The Commission also raised the issue of whether the voluntary nature of EAS at the state and local level has led to inconsistent treatment of emergency alerts across the Nation, and if so, whether that is appropriate in today's world. We also considered 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 our inquiry was, and continues to be, how to reach each and every citizen.

In November 2005, the Commission adopted a First Report and Order and Further Notice of Proposed Rulemaking. In the First Report and Order, the Commission expanded the reach of EAS to ensure that more Americans are able to receive public alert and warnings by requiring the participation of digital communications systems, including digital television and radio, digital cable, and satellite television and radio. In the Further Notice of Proposed Rulemaking, the Commission sought further comment on ways that it could expedite the development of a comprehensive, efficient and redundant state-of-the-art public alert and warning system.

We have 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.

We look forward to working with Congress, our colleagues at other federal, state and tribal agencies, and the public to ensure that we can provide the best possible warning system to our citizens.

INTRODUCTION

Good morning, Mr. Chairman and members of the Committee, I am Julius Knapp, Acting Chief of the of the FCC's Office of Engineering and Technology. I welcome this opportunity to appear before you to discuss the Emergency Alert System, or EAS.

An effective public alert and warning system is an essential element of emergency preparedness and such a system requires effective communication and coordination within the federal government, as well as the active participation of the states and the private sector. The Federal Communications Commission (FCC or Commission) has long recognized the importance of securing an effective public alert and warning system and 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. This morning, I will review the FCC's recent efforts to improve the Emergency Alert System, a vital component of an effective and redundant public 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 FCC has played a critical role in ensuring that the President would be able to communicate with the American public in the event of a national emergency. Today, EAS uses analog radio and television broadcast stations, as well as wired and wireless cable systems, to deliver a national presidential message. Digital television (DTV) broadcasters, digital audio broadcasters, digital cable systems and Satellite Digital Audio Radio Service (SDARS) providers

are required to participate in EAS by December 31, 2006. Direct Broadcast Satellite (DBS) service providers must participate by May 31, 2007. National EAS activations would override all other broadcasts or transmissions, national and local, to deliver an audio message from the President. 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.

CURRENT OPERATION OF THE EAS SYSTEM

To better understand the issues we face today in modernizing the country's emergency warning capabilities, one should begin with an overview of how the current EAS works. The Federal Communications 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 June 26, 2006 Executive Order, 1995 Presidential Statement of Requirements, 1984 Executive Order, and 1981 Memorandum of Understanding between FEMA, NWS, and the Commission.

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 to be followed by communications service providers that are required to participate in EAS 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. On November 3, 2005, the Commission adopted a First Report and Order that expanded the EAS rules to require that

providers of digital broadcast and cable television, digital audio broadcasting, satellite radio and DBS services provide Presidential EAS messages. Each of these new EAS providers must comply with the Commission's EAS rules by December 31, 2006, except DBS service providers which must comply by May 31, 2007. Other systems, such as paging systems, wireline carriers that provide programming in competition with broadcast and cable television, and wireless providers, including broadband personal communications services and cellular radio telephone services, are 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, operation, and maintenance of the national level EAS and is responsible for implementation of the national level activation of EAS, as well as national EAS tests and exercises.

EAS is essentially a hierarchal 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. FCC rules require broadcast stations and cable systems to monitor at least two of the EAS sources specified in their state EAS plans for Presidential alerts. 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 used by communications service providers.

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 merely 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 FCC'S RULEMAKING PROCEEDING

The introduction of new technologies, such as wireless and digital, has both expanded the options for disseminating emergency information and created gaps in the EAS. In recognition of this situation, in August 2004 the Commission began a rulemaking proceeding to comprehensively review the efficacy of EAS and the role of EAS as part of an overall public alert and warning structure. The overarching question addressed in the Commission's August 2004 Notice of Proposed Rulemaking (NPRM), was whether EAS in its present form was the most effective mechanism for warning the American public of an emergency and, if not, how EAS could be improved.

We sought and received comments from numerous interested individuals, federal entities, state and local emergency planning organizations, and various sectors of the telecommunications industries. Most of the parties who commented agreed that our warning system should be improved, but most – including the Media Security and Reliability Council and the Partnership for Public Warning, two public/private partnerships that have studied the issues extensively – advocate upgrading, not replacing, EAS to take advantage of the existing EAS infrastructure.

In the August 2004 NPRM, the Commission sought comment on whether permissive state and local EAS participation remains appropriate today. The majority of the parties who commented on this issue advocate continuing voluntary participation, at least for the present, while the Commission considers broader changes to EAS. Many of these parties also noted that participation, though voluntary, is widespread. Finally, the Commission sought comment

regarding the appropriate roles of the various federal, state and local government authorities and departments in implementing EAS, regarding security and reliability issues relevant to EAS, and regarding the best way to provide alerts to individuals with hearing and vision disabilities and individuals that do not speak English.

The Commission also asked whether EAS obligations should be extended to services not currently covered, including digital and wireless systems and whether such technologies should be used to combine EAS with other public alert and warning systems to create a comprehensive national public warning system. The majority of commenters that addressed this issue supported efforts to extend the EAS rules to digital communications technologies.

In November 2005, the Commission adopted rules that expanded the reach of EAS to cover the following digital communications technologies that are increasingly being used by the American public to receive news and entertainment: DTV, digital radio, digital cable, satellite radio and DBS. The Commission noted that consumers have increasingly begun to adopt new digital technologies as replacements for analog broadcast and cable systems and that many of these new digital systems had no independent duty to provide EAS or any other alert and warning system to their customers. The rules adopted in the Commission's November 2005 First Report and Order require that DTV broadcasters, digital audio broadcasters, digital cable systems and Satellite Digital Audio Radio Service (SDARS) providers participate in EAS by December 31, 2006. Direct Broadcast Satellite (DBS) service providers must participate by May 31, 2007.

In the Further Notice of Proposed Rulemaking, the Commission sought comment on how the Commission can best help develop a comprehensive next generation alert and warning system that takes full advantage of digital media's potential. The Commission sought comment on the most effective, efficient and robust type of system architecture, specifically asking

whether the legacy EAS system should be retained or whether a new type of system, such as a satellite or Internet-based system, should be implemented. The Commission also sought comment regarding the need for a common messaging protocol to provide consistent alerts across multiple platforms and whether the Common Alerting Protocol (CAP) offers the most practical, effective interface between emergency managers and the multiple alert and notification systems. Further, the Commission sought comment on how it could facilitate the effective integration of wireless technologies into a next generation alert and warning system and whether traditional telephone companies that provide video content to customers' homes in competition with broadcast television and cable television service providers should have public alert and warning responsibilities.

Recognizing the essential role that state governments play in delivering public alerts and warnings, the Commission sought comment on whether its rules should be amended to require EAS Participants to transmit EAS messages issued by the governors of the states in which they provide service. Finally, the Commission sought comment on how the next generation EAS can more effectively reach individuals with hearing and vision disabilities and individuals who do not speak English.

The Commission is currently reviewing comments, meeting with industry representatives, and drafting an order addressing the issues raised in the November 2005 Further Notice of Proposed Rulemaking. We have coordinated, and will continue to coordinate, with DHS and its component, FEMA, and with the Department of Commerce and its component, the National Oceanic and Atmospheric Administration's National Weather Service. We anticipate these federal partners will continue to be active participants in the proceeding.

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 FCC is also aware that 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.

I thank you, Mr. Chairman, for the opportunity to appear before you today. This concludes my testimony and I would be pleased to answer any questions you and the other members may have.