

Date: June 17, 2024
Time: 1:00pm-3:00pm EDT
Location: Virtual



Welcome

Office of Native Affairs & Policy

Tribal Consultation: Missing and Endangered Persons Alert Code

Docket Numbers: 15-91, 15-94



MEP EAS Code NPRM

This presentation and its contents are for informational purposes only; the Commission's rules in part 47 of the Code of Federal Regulations and the Commission's previous reports and orders adopting those rules represent the binding rules and determinations of the Commission.

Welcome



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The Office of Native Affairs and Policy (ONAP) was established by FCC Order in 2010 to further the Commission's efforts to bring the benefits of modern communications to all Native communities. ONAP assists the Commission in developing policies and programs to address the lack of adequate communications services on Tribal lands nationwide. ONAP plans and leads the Commission's outreach to Tribal governments and organizations, with the objective of increasing their awareness of, and participation in, Commission programs and proceedings.

www.fcc.gov/office-native-affairs-and-policy

FCC Tribal Consultation

New “MEP” Emergency Alert System Event Code

Missing Endangered Persons (MEP)
Emergency Alert System (EAS) Code
Notice of Proposed Rulemaking (NPRM)

Docket Numbers: 15-91, 15-94

Consultation Agenda



New Emergency Alert System
Event Code for Missing &
Endangered Adults

Docket Nos: 15-91, 15-94

Overview:

- Notice of Proposed Rule Making (NPRM)

Consultation:

- Written statements may be presented and other remarks from Tribal Leaders may opt to have statements filed into the FCC proceeding record;
- FCC is here to take notes to summarize comments for the proceeding record.

Listening Session:

- Comments and statements from other participants.
- FCC is here to take notes and summarize comments for the proceeding record.

Notice of Proposed Rule Making (NPRM)

New “MEP” Emergency Alert System Event Code



Approved March 14, 2024, on unanimous vote, the NPRM proposes to revise Part 11 of the Commission’s rules regarding the Emergency Alert System (EAS) by adding a new “MEP” event code for delivery of critical messages to the public over television and radio about missing and endangered adult persons.

What is the Emergency Alert System (EAS)?

47 C.F.R. § 11.1

Part 11 of the Commission's rules governs the FCC's administration of the nation's Emergency Alert System:

- “... EAS provides the President with the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency . . .”
- EAS “may be used to provide the heads of State and local government, or their designated representatives, with a means of emergency communication with the public in their State or Local Area.”
- EAS [and Wireless Emergency Alerts system (WEA)] are used to distribute tens of thousands of warnings to the public every year, providing critical notice of emergencies including severe weather events (tornados and hurricanes), natural disasters (tsunamis and wildfires), civil emergencies (AMBER alerts), and law enforcement warnings.
- These alerts provide critical information and empower affected communities to take appropriate action and aid public safety officials in their efforts to address emergencies.
- In 2022 approximately 187,000 adults who were outside of the criteria for either AMBER Alerts or Silver Alerts went missing.

What is the Emergency Alert System (EAS)?

47 C.F.R. § 11.1

- EAS Architecture: The EAS is a national public warning system through which TV and radio broadcasters, cable systems, and other service providers (“EAS Participants”) deliver alerts to the public.
 - EAS' primary purpose is to furnish the President with “the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency,” **the common usage of the EAS to distribute alerts issued by state and local governments,** as well as by the National Weather Service (NWS) to the public.
- EAS Participants: Required to broadcast Presidential alerts (and certain test alerts designed to ensure the EAS is functioning properly), they participate in broadcasting state and local EAS alerts voluntarily. The Commission, the Federal Emergency Management Agency (FEMA), and the NWS implement the EAS at the federal level.
- EAS alert distribution among EAS Participants is often referred as the “daisy chain” distribution architecture. Because this EAS architecture has been in place since the inception of the EAS, it is often referred to as the “legacy EAS.”

How does EAS operate?

EAS alerts: Uses the **EAS Protocol** of fixed codes to identify and deliver accurate, secure, and geographically targeted alerts to the public. The EAS Protocol utilizes a three-character “event code” to describe the nature of the alert (e.g., “CAE” signifies a Child Abduction Emergency, otherwise known as an AMBER Alert).

The EAS distributes messages in one of two ways:

- Broadcast-based: Hierarchical distribution system in which originator (e.g., state and county emergency management authorities, Public Safety Answering Points, state and county fire departments, NWS) at the local, state or national level encodes (or arranges to have encoded) a message in the EAS Protocol. The alert is then broadcast from one or more EAS Participant/s, and subsequently **relayed from one station to another until all affected EAS Participants have received the alert and delivered it to the public.**
- IP-based process – “CAP-based” and IPAWS: Authorized emergency alert authorities distribute EAS alerts over the Internet to EAS Participants by formatting using the Common Alerting Protocol (CAP) and delivering through the FEMA-administered Integrated Public Alert and Warning System (IPAWS). Both the legacy and CAP-based EAS architectures deliver to the public the alert content they receive from the EAS sources.

MEP Code - *Background*

Factors driving this effort to add the MEP event code to the Emergency Alert System is to help address the gap in information sharing regarding MEP cases

- As proposed, the “MEP code” function similarly to other codes described in the NPRM, for example the AMBER Alert code - which is used when a child goes missing - and the BLU alert code - which is used when a law enforcement officer is endangered, injured, or killed.

The Ashanti Alert Act

Background

Ashanti Alerts. Enacted in 2018, the Ashanti Alert Act was named in honor of Ashanti Billie, a 19-year-old woman who was abducted in Virginia and killed in North Carolina in 2017.

- Required the U.S. DOJ to designate a National Ashanti Alert Coordinator—the Bureau of Justice Assistance (BJA)—to, among other things, work with “States and Indian Tribes to encourage the development of additional Ashanti Alert plans in their network” and “establish voluntary guidelines for States and Indian Tribes, to use in developing Ashanti Alert plans that will promote compatible and integrated Ashanti Alert plans throughout the United States”
- The BJA also must **coordinate** and consult with the FCC and other federal agencies “in carrying out activities under” the Act, and also must “consult with local broadcasters and State, Tribal and local law enforcement agencies in establishing minimum standards [for issuance and dissemination of Ashanti Alerts] and in carrying out other activities” under the Act.
- Limitations: These alerts are currently transmitted through a patchwork of notification systems with laws that vary based on jurisdiction; this can cause significant delay in the dissemination of these alerts.

Savanna's Act

Background

Savanna's Act. Savanna's Act was named after Savanna LaFontaine-Greywind, a pregnant member of the Spirit Lake Tribe who was found murdered in the Red River of North Dakota in 2017.

- Sought to clarify federal, state, Tribal and local law enforcement responsibilities with respect to the collecting and sharing of **data** “related to missing or murdered Indian men, women, and children, regardless of where they reside. . . and directs U.S. attorneys to develop regionally appropriate guidelines for responding to missing or murdered Indians.” The Act further calls for establishing guidance for “best practices in conducting searches for missing persons on and off Indian land.”
- Signed into law along with the Not Invisible Act on October 10, 2020; both specifically called attention to the need for law enforcement coordination in addressing violent crimes against American Indians and Alaska Natives.
 - The Not One More: Findings and Recommendations of the Not Invisible Act Commission, released on November 1, 2023, emphasized the difficulty in gathering data on missing and endangered Indigenous persons, and stressed the need for adopting practices that assist federal, state, territorial, and Tribal authorities in coordinating and collaborating on the reporting and response to missing persons cases.

National Congress of American Indians

Adoption of Resolution #NO-23-001

- Native Public Media sponsored a resolution calling for the FCC to establish an MEP event code to “enable a more rapid and coordinated response to incidents involving missing indigenous persons.” NCAI Resolution noted that “Native Americans face significant challenges in addressing the issue of missing and endangered adults, requiring immediate attention and action,” and the current EAS event codes failed to account for these unique missing person circumstances.
- Resolution further noted that their “communities have historically been disproportionately affected by missing person cases, with Native Americans constituting 2.5% of all missing person cases despite comprising only 1.2% of the U.S. population, as reported by the National Crime Information Center, underscoring the urgent need for targeted measures.”
- The NCAI General Assembly adopted resolution in November 2023 to broadcast timely and critical alerts across the nation using IPAWS.



New Emergency Alert Code for Missing &
Endangered Adults

Docket No: 15-91, 15-94

NPRM's Proposal

Revise its Part 11 EAS rules to add a new “MEP” event code for all EAS alerts about missing and endangered person incidents that do not meet the criteria for an AMBER Alert.

Released On: Mar 15, 2024

Adopted Date: Mar 14, 2024

Issued On: Mar 15, 2024

Comment Date: May 20, 2024

Reply Comment Date: Jun 17, 2024

Docket No: 15-91, 15-94

Process Milestones

NPRM

The NPRM initiated the rulemaking process by giving public notice of the proposed new rules and seeks comment on whether adding new missing and endangered person event code, “MEP,” to the EAS rules to trigger alerts for missing and endangered persons

March 15, 2024

Public Comment

We encourage anyone interested in this proceeding to share their perspective through comments.

Comments can be filed via:

- ECFS
- Emailing Native@fcc.gov

Comment Deadlines

May 20, 2024 – Comments
June 17, 2024 - Reply

Report & Order

After the Report & Order and Final Rules are adopted by the Commission, a summary of the R&O is published in the Federal Register . . .

- Item is put on the Agenda
- Commission Votes

TBD

Adoption

If the Commission votes to adopt the item, the Publication of the Final Report & Order Summary and Final Rules sets the effective date for implementation and compliance.

TBD

FCC Ex Parte Requirements and Tribal Leaders

NPRM statement:

“at the option of the Tribe, ex parte presentations made during consultations *by elected and appointed leaders and duly appointed representatives* of federally recognized Indian Tribes and Alaska Native Villages to Commission decision makers shall be exempt from the rules requiring disclosure in permit-but-disclose proceedings....”

“To be clear, while the Commission recognizes consultation is critically important, we emphasize that the Commission will rely in its decision-making only on those presentations that are placed in the public record for this proceeding.”

NPRM Question: **Overarching Question**

Should the FCC revise its rules (Part 11) regarding the Emergency Alert System (EAS) by adding a new “MEP” event code for delivery of critical messages to the public over television and radio about missing and endangered adult persons?

NPRM Question: **Alert Criteria**

The Commission is seeking comment on three criteria for when the new event code could be used. Current Ashanti Alert Act provides that alerts may be issued when (1) an adult between the ages of 18 and 64 has been identified as a missing individual and has a proven mental or physical disability, or (2) is missing under circumstances that indicate the person may be in danger, or (3) that the adult's disappearance may not have been voluntary (abduction or kidnapping).

Are these the three criteria that will achieve the goal of alerting the public about a MEP?

* See Bureau of Justice Assistance Fact Sheet – National Ashanti Alert Network; U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, dated March 2021.

NPRM Questions: Geographic and Service Area Limitations

Part 1 - Are there any geographic or service area limitations that would pose challenges to the effectiveness of missing and endangered person alerts, including Ashanti Alerts, which – per the Ashanti Alert Act– must be delivered to “geographic areas that the missing adult could reasonably reach, considering the circumstances and physical and mental condition of the missing adult, the modes of transportation available to the missing adult, and the circumstances of the disappearance?”

Part 2 - How should the term “reasonably” be construed in this context and how does such construction impact EAS Participants’ ability to disseminate these alerts?

Part 3 - Are there differences between EAS Participants (e.g., small versus large cable operators) that affect the ability to target geographic areas as prescribed for the alerts?

NPRM Questions:

Current/Future Participation in Ashanti Alerts

Part 1 - How many states, territories, and Tribal communities, have Ashanti Alert plans, Ashanti Alert Act compliant plans, missing and endangered person plans, or have legislative proposals for such plans?

Part 2 - Would the implementation of a dedicated EAS event code encourage States and Tribal communities that do not have missing and endangered person or Ashanti Alert plans to adopt one?

NPRM Questions: National Network and Law Enforcement Planning and Coordination

Part 1 - Would a dedicated EAS event code help integrate existing plans into a coordinated national network?

Part 2 - Would the ability of law enforcement agencies to use existing EAS distribution networks alleviate any burden associated with designing and implementing individual missing and endangered person or Ashanti Alert plans?

Part 3 - Would establishing a dedicated MEP event code **aid in the development of the national communications network contemplated by the Ashanti Alert Act?**

NPRM Questions: Dedicated Event Code for Missing Indigenous Persons

Native communities have historically been disproportionately affected by missing person cases, with American Indians and Alaska Natives constituting 2.5% of all missing person cases despite comprising only 1.2% of the U.S. population.

Part 1: Would establishing a dedicated event code for missing Indigenous persons aid in resolving this disparity?

Part 2 - Would such a dedicated event code help law enforcement in locating missing Indigenous persons?

Part 3 - Would it be more effective to use our proposed MEP code, rather than using a separate dedicated event code?

NPRM Question: **Public Education**

What are the actions that states, territories, and Tribal communities have taken to educate the public on missing endangered persons and Ashanti Alerts and the appropriate responses to those alerts?

NPRM Question: Wireless Emergency Alerts (WEA)

The Wireless Emergency Alert system is a tool for authorized federal, state, local, and Tribal government entities to geographically target alerts and warnings to the WEA-capable mobile devices of participating commercial mobile service providers' subscribers.

- WEA does not use event codes in the same manner as EAS. Rather, alert origination software and FEMA IPAWS map EAS event codes onto WEA handling codes that correspond to the alert message classifications that the Commission authorizes for issuance over WEA: National Alert, Imminent Threat Alert, AMBER Alert, and Public Safety Message.

What effect(s) would the adoption of an MEP event code for EAS would have on WEA? Should the FCC revise the WEA rules to create a separate alert message classification for missing endangered persons alerts?

NPRM Question: **Privacy Concerns**

Are there any particular privacy or other civil liberty concerns the Commission should consider in implementing the proposed MEP event code?

NPRM Question: Implementation Timeframe

The FCC proposes that EAS equipment manufacturers integrate the MEP event code for missing and endangered person alerts, including Ashanti Alerts, into equipment yet to be manufactured and make necessary software upgrades available to EAS Participants, no later than 12 months from the effective date of the rules.

It also proposes to allow EAS Participants to upgrade their equipment on a voluntary basis through new equipment programmed to contain the code or through a software upgrade to install the code into equipment already in place.

The FCC seeks comment on this timeframe and approach for implementing MEP as a dedicated EAS event code for missing endangered person alerts, including Ashanti Alerts.

NPRM: Miscellaneous

Are there other issues not discussed earlier that the Commission should consider on the proposal to create an MEP event code?

Submitting Public Comments:

The deadlines for submitting public comments to the record is:

- May 20, 2024, 11:59 p.m. EDT, and
- Reply comments by June 17, 2024, 11:59 p.m. EDT.

Comments may be filed in the FCC's Electronic Comment Filing System (ECFS)

- **Quick Link:** <https://www.fcc.gov/ecfs/filings/standard>,
- **Docket numbers:** 15-91, 15-94, or **email Native@fcc.gov.**

For further information about the NPRM, contact:

- Office of Native Affairs and Policy (ONAP), at Native@fcc.gov.
- Theodore Marcus, Theodore.Marcus@fcc.gov or (202) 418-2610

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).



Thank YOU

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