

ALERT

FCC Considers Significant Overhaul of Nation's Alert and Warning Systems

August 11, 2025

On August 7, 2025, the Federal Communications Commission (FCC or Commission) adopted a Notice of Proposed Rulemaking (NPRM) to reexamine the nation's warning and alert systems, including the Wireless Emergency Alerts (WEA) system and Emergency Alert System (EAS). The NPRM broadly seeks comment on potential reforms or even an overhaul of those systems.

- The NPRM embraces a ground-up rethink of public alerting that could suggest more regulation in some areas and deregulation in others—and implicate many previously unregulated parties.
- The FCC demonstrates interest in enhancing public alerting functionality, including by leveraging video and dynamic geotargeting, among other technologies.
- The item seeks comment on ways to encourage use by alert originators—potentially including private entities.
- The FCC explores ways to reach consumers everywhere they consume content, including by expanding the range of communications devices required to transmit alerts—which could implicate virtually any manufacturer of an internet protocol (IP)-enabled interactive device.
- Resilience and security issues inherent in emergency alerting, such as false alerts and cyberattacks, are key concerns raised in the NPRM.

We provide a more detailed summary of the NPRM below. Comments will be due 30 days after the NPRM is published in the Federal Register. Reply comments will be due 45 days after publication in the Federal Register.

Authors

Diane G. Holland
Partner
202.719.3338
dgholland@wiley.law
Shiva Goel
Partner
202.719.4538
sgoel@wiley.law
Jackson McNeal
Associate
202.719.4766
jmcneal@wiley.law

Practice Areas

Administrative Procedure
Emerging Technologies
Telecom, Media & Technology

Objectives of Alerting Systems

Addressing the overarching goals of the proceeding, the Commission explains what it sees as the three primary objectives of the WEA and EAS alerting systems and invites comment on additional objectives the Commission should consider, including whether the objectives of alerting systems should "be grounded solely in the capabilities that alerting systems should provide, or... grounded in achieving particular public safety outcomes."

The three overarching objectives identified by the Commission are:

1. Providing authorities with the ability to rapidly notify the public of emergencies that place the public at risk;
2. Delivering instructions that facilitate the protection of life and property; and
3. Providing a mechanism for government officials to issue instructions to the public before, during, and after an emergency.

Role of Alerting Entities, and Possibility of Video Alerts

The Commission invites comment on which entities should be able to send alerts, requesting that commenters identify which government entities in particular should have the ability to send out alerts and, notably, asking if circumstances might exist that warrant permitting non-government entities to send safety-related alerts via the WEA and EAS systems. Further comment is invited on steps the FCC should consider taking to ensure the President's ability to send out alerts to the public, and how these capabilities can be made "available and maximally effective during national emergencies."

The NPRM also considers the implementation of video-rich emergency alerts, inviting commenters to discuss the specific costs associated with integrating video-rich content into the EAS and WEA frameworks, and what technical steps EAS participants and participating Commercial Mobile Service (CMS) providers can take to implement video alerting capability within two years.

CMS Participation, Delivery Guarantees, Resilience, Geotargeting, and Security Concerns

Commenters are encouraged to weigh in on several other proposals that would significantly expand the technical capabilities of WEA and EAS alerts and the obligations of those delivering them. In particular, the Commission invites comment on:

- Whether alert systems should adopt a "best efforts" approach, or if alerting systems should guarantee delivery of each alert, at least for some messages such as alerts sent by the President.
- Whether voluntary participation "diminishes alert originators' confidence that their alert will reach their targeted audience," noting specifically that CMS providers currently participate in alerts distributed via WEA voluntarily.

- What technical changes might be needed to promote the resilience and security of alerting systems to withstand disruption from extreme weather events.
- The need for further geographic precision and accuracy to fulfill the nation's alert system objectives, and what technological changes might be needed to facilitate that.

The NPRM also addresses the need for national alerting systems to be secured against cyberattack from U.S. adversaries, specifically highlighting the potentially deadly risk of a false alert being sent out or a real alert being suppressed by an adversary with access to U.S. alerting systems. Specific comment is sought on what "specific authentication, validation, and security measures ... EAS and WEA should be designed to incorporate." The NPRM acknowledges that enhancing "security, support of multimedia alert content, and the speed of alert delivery" all pose design tradeoffs and invites commenters to weigh in on how best to prioritize those aspects of WEA and EAS system design.

NPRM Contemplates Widely Expanding Alert Delivery Channels

The FCC's interest in potentially expanding the pool of alert-receiving devices could prove to be one of the more significant aspects of the NPRM. The NPRM highlights the growing array of platforms and media sources the public uses that are not equipped to transmit emergency alerts, such as "personal computers, tablets without commercial mobile service, wearable technology, gaming consoles, smart speakers, streaming services, and social media."

Highlighting that the shift to these sources of information "may frustrate" the objectives of the EAS and WEA systems, the Commission asks "whether the nation's alert and warning systems would be more effective if their design placed a greater focus on the capabilities of the end-user devices that receive and present alerts, rather than solely around the communications pathways that transmit them." Commenters are specifically invited to address:

- The technical, legal, and procedural challenges of making equipment manufacturers provide the capability for devices to monitor IPAWS for EAS alerts directly, as opposed to or in addition to alerts being routed through communications service providers as they are currently.
- Introducing new alerting capabilities that EAS cannot currently technically support, such as enabling consumer devices connected to the internet to directly receive EAS from alerting sources.
- Determining the proper balance between consumer choice and customization of their devices while ensuring the objectives of emergency alerting systems are not frustrated.

Changes from the Draft Item

The final NPRM deviated slightly from the draft item circulated before the Commission's August 7 Open meeting, with the final item adding requests for commenters to weigh in on:

- Steps the Commission can take to improve alert delivery to non-English speaking populations.

- The need for increased training for alert originators and improved public outreach and education about emergency alerts to better achieve the goals of the nation's alerting systems, as well as who should be responsible for improving training for alert originators.

With this NPRM, the Commission considers significantly overhauling the EAS and WEA systems and the Nation's warning and alert system more broadly. Many of the proposals in the NPRM could lead to compliance obligations for new stakeholders, such as equipment manufacturers and content providers, or suggest changes to the existing obligations of current EAS and WEA participants. The Commission also seems broadly receptive to new ideas to improve the functioning of these systems. Stakeholders should monitor the proceeding closely for potential changes to their obligations and opportunities to contribute.

Wiley's Telecom, Media & Technology practice can assist with any questions related to the NPRM. For more information about these issues, or if you are interested in filing comments in this proceeding, please contact one of the attorneys listed on this alert.