

# National Emergency Alert Carries New Reporting Requirements

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The Federal Communications Commission (FCC) has amended its rules for the Emergency Alert System (EAS) to provide for national EAS testing, including the first-ever presidential alert. In its Third Report and Order, the Commission established detailed procedures for testing EAS systems at the national level each year, including new reporting requirements for EAS participants, including broadcasters.

Broadcasters should be familiar with the previous testing requirements, which mostly involved weekly and monthly tests at the state and local levels. These tests determine whether the EAS equipment used by broadcasters and other participants works properly, and such tests will continue under the new rules. However, national testing will replace the monthly and weekly EAS tests in the month and week in which a national test is held.

Here is how it will work: the FCC's Public Safety and Homeland Security Bureau will provide at least two-month public notice before a national EAS test. The first test will use code "EAN," which is the live event code for nationwide presidential alerts.

A major change for broadcasters will be the data reporting requirements. Currently, EAS participants are only required to log the dates and times that EAN and EAT messages are received and to document the cause of any failures. Under the new rules, EAS participants will be required to submit certain data within 45 days of a national EAS test, including: whether they received the alert, whether they retransmitted the alert, a diagnosis of any failure, who they were monitoring at the time of the test and information about the EAS equipment used. The Commission will soon release a Public Notice explaining the voluntary electronic reporting system that it will

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utilize to collect this data.

While the FCC is not waiving enforcement even for the first national test, it will "exercise the discretion allowed under [the] rules to promote compliance" and utilize the test as an educational experience.

The Commission has not yet announced the date for the first national EAS test.

\*District of Columbia Bar (pending, supervised by principals of the firm)