

ALERT

# D.C. Circuit Upholds FCC Decision Not to Require Multilingual Emergency Alerts, Highlighting Requirement to Report on Efforts to Serve Non-English Speakers by November 6, 2017

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October 19, 2017

This week, the United States Court of Appeals for the D.C. Circuit affirmed a Federal Communications Commission (FCC) order issued in March 2016 that declined to require emergency alerts in languages other than English. In a 2-1 decision, the Court found the agency's determination to be consistent with the Communications Act and reasonable, and thus denied the petition for review filed by groups that had previously requested that the FCC require multilingual emergency alerts. In its decision, the D.C. Circuit relied in part on the requirement that Emergency Alert System (EAS) participants report certain information by November 6, 2017.

In the order under review, the FCC had concluded that it lacked sufficient information to justify the imposition of the requested remedy, and instead found that it needed to study (albeit on what the Court described as "bureaucracy standard time") whether to require the transmission of alerts other than in English. The Court relied, in part, on this information-gathering process in upholding the FCC's decision. As part of that process, the FCC required Emergency Alert System (EAS) participants to provide additional information concerning whether and how they can translate emergency alerts and convey them in language in addition to English. Specifically, all EAS participants—which include radio stations, television stations, cable systems, wireline video systems, wireless, direct broadcast satellite service providers, and digital audio radio service providers—must

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## Practice Areas

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Media  
Telecom, Media & Technology

provide the following information to their State Emergency Communications Committees (SECCs):

- A description of any actions taken by the EAS Participant to make EAS alert content available in languages other than English to its non-English speaking audience(s), and if no such actions are being taken, an explanation of why;
- A description of any future actions planned by the EAS Participant to provide EAS alert content in languages other than English to its non-English speaking audience(s), along with an explanation for the EAS Participant's decision to plan or not plan such actions; and
- Any other relevant information that the EAS Participant may wish to provide, such as information on languages other than English spoken within the states they serve, although provision of such information is purely voluntary.

The deadline for submission of the required information is November 6, 2017. Following the initial submissions, EAS participants must, within 60 days of a material change to the information that is required to be reported, submit to the relevant SECCs and the Chief of the Public Safety and Homeland Security Bureau of the FCC letters describing such change. In addition, within six months of the initial submissions, SECCs must provide a summary of such information in connection with the State EAS Plan on file with the FCC.

A listing of the SECCs to which information must be submitted and their contact details can be found [here](#). If you have questions or would like assistance submitting the required information, please contact us.