

# FCC Rejects Petition to Expand Multilingual EAS; Imposes New Reporting Requirement for EAS Participants

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The Federal Communications Commission (FCC or Commission) has rejected a petition by a group of organizations seeking to make emergency information more accessible to non-English speakers. In an Order released on March 30, 2016, the Commission declared that it “support[s] the general goal of making emergency alert content distributed over the Emergency Alert System (EAS) more accessible to persons whose primary language is not English.” However, the agency determined that state and local authorities are best positioned to distribute multilingual alerts. Nevertheless, “consistent with the stated purpose” of the petition, the Commission is requiring State Emergency Communications Committees (SECCs) to obtain information from 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—about how they provide emergency alerts to persons speaking language other than English and to include such information in state EAS plans.

As we previously explained, the joint petition, filed shortly after Hurricane Katrina by the Independent Spanish Broadcasters Association (ISBA), the Office of Communication of the United Church of Christ (UCC), and the Minority Media and Telecommunications Council (MMTC), requested that the FCC revise its EAS rules to provide for “the dissemination of multilingual local, state and national emergency information via the EAS to ensure that non-English speaking persons will have access to the same information as their English-speaking neighbors in an emergency.” Accordingly, the joint

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petitioners proposed a series of changes that would have: (1) required National Primary stations to air all Presidential level messages in English and Spanish; (2) established “Local Primary Spanish” (LP-S) and “Local Primary Multilingual” (LP-M) designations and assigned LP-S and LP-M stations; (3) required at least one broadcast station in every market to broadcast emergency information carried by Local Primary Spanish and Multilingual stations; and (4) created a fallback plan for broadcast of Spanish and Multilingual information if the primary station loses its transmission capability in an emergency. The Commission first requested comments on the joint petition in 2005, and again in 2007 and 2014.

In its recent Order, the FCC found that the specific proposals in the ISBA/ICC/MMTC petition either were impractical or lacked sufficient detail.

Instead, the FCC will require all EAS Participants to provide the following information to their respective 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);
- 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.

EAS Participants must provide this information within one year of the Order’s effective date (which will be announced in a subsequent public notice). SECCs will then have six months to file an amendment to their State EAS plans incorporating this information. If there is a material change to the information disclosed by an EAS Participant, the participant must submit an amendment within 60 days to its SECC and the FCC’s Public Safety and Homeland Security Bureau and the Consumer and Governmental Affairs Bureau.

Although the Commission declined to go beyond a requirement that EAS Participants submit reports regarding multilingual EAS alerts, it did state that the required reports would allow the FCC and/or state and local EAS planning authorities to “assess, if appropriate, what further steps should be taken,” and “allow[] the public to better target specific requests for improvements” in this area.

For more information about the FCC’s EAS rules and regulations, contact the Wiley Rein attorney who regularly handles your FCC matters or the authors of this alert.