



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 19-705

Released: July 25, 2019

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES EFFECTIVE DATE OF CERTAIN EMERGENCY ALERT SYSTEM RULES

By this Public Notice, the Public Safety and Homeland Security Bureau of the Federal Communications Commission announces that the false alert reporting requirement and the “Live Code” testing requirements for the emergency alert system (EAS) set forth in sections 11.45(b) and 11.61(a)(5) of the Commission’s rules became effective on July 23, 2019.¹ These rules promote the reliability of the nation’s emergency alerting systems and support greater community preparedness are now in effect.

False Alert Reporting: Pursuant to section 11.45(b), an EAS Participant² must inform the Commission if it discovers that it has transmitted a false alert. This rule provides that:

No later than twenty-four (24) hours of an EAS Participant’s discovery (i.e., actual knowledge) that it has transmitted or otherwise sent a false alert to the public, the EAS Participant send an email to the Commission at the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that the EAS Participant may have concerning the event.³

Live Code Tests: Pursuant to section 11.61(a)(5) of the Commission’s EAS rules provides that EAS Participants may participate in no more than two (2) “Live Code” EAS Tests per calendar year that are conducted to exercise the EAS and raise public awareness for it, provided that the entity conducting the test:

¹ 47 CFR §§ 11.45(b); 11.61(a)(5). As the Commission indicated in the *Alerting Reliability Order* in which these rules were adopted, the false alert reporting requirement and live code EAS test requirements contained new or modified information collections, which required approval by the Office of Management and Budget (OMB) before they could become effective. See Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, PS Docket Nos. 15-91, 15-94, Report and Order and Further Notice of Proposed Rulemaking, 33 FCC Rcd 7086, 7094, para. 16, 7100, para. 31 (2018) (*Alerting Reliability Order*). Accordingly, the Commission indicated that the false alert reporting and live code test rules would become effective on the date specified in a Commission notice published in the *Federal Register* announcing their approval by OMB. *Id.* Such notice, covering both the false alert reporting and live code test rules, was published in the *Federal Register* on July 23, 2019, with the effective date set as the date of publication. See Federal Communications Commission, Emergency Alert System; Wireless Emergency Alerts, 84 Fed. Reg. 35334 (July 23, 2019). Accordingly, these rules became effective on July 23, 2019.

² The Commission’s rules define EAS Participants as radio broadcast stations, including AM, FM, and low-power FM stations; Class A television and low-power TV stations; cable systems; wireline video systems; wireless cable systems; direct broadcast satellite service providers; and digital audio radio service providers. See 47 CFR § 11.11(a).

³ 47 CFR § 11.45(b).

- (i) Notifies the public before the test that live event codes will be used, but that no emergency is, in fact, occurring;
- (ii) To the extent technically feasible, states in the test message that the event is only a test;
- (iii) Coordinates the test among EAS Participants and with state and local emergency authorities, the relevant SECC (or SECCs, if the test could affect multiple states), and first responder organizations, such as PSAPs, police, and fire agencies); and,
- (iv) Consistent with section 11.51 of the Commission's EAS rules, provides in widely accessible formats the notification to the public required by this subsection that the test is only a test, and is not a warning about an actual emergency.⁴

“Live Code” tests of the EAS use the same alert codes and processes that would be used in actual emergencies and can increase the proficiency of local alerting officials while educating the public about how to respond to actual alerts.⁵

For additional information about these EAS requirements, please contact David Munson of the Public Safety and Homeland Security Bureau by phone at (202) 418-2921 or by email at david.munson@fcc.gov.

- FCC -

⁴ 47 CFR § 11.61(a)(5).

⁵ The “Live Code” EAS testing requirements are distinct from Wireless Emergency Alerts (WEA) end-to-end tests that reach the public. Until further notice, entities seeking to conduct end-to-end WEA tests must continue to seek a waiver from the Commission to allow Participating Commercial Mobile Service (CMS) Providers to participate in WEA tests that reach the public. See *Advisory Regarding May 1 Deadline for Improvements to Wireless Emergency Alerts and Guidance for State/Local Alert Originators*, Public Notice, DA 19-358 (PSHSB Apr. 30, 2019); *Public Safety and Homeland Security Bureau Announces Delay in Availability of Certain Improvements to Wireless Emergency Alerts*, Public Notice, DA 19-534 (PSHSB June 7, 2019).