August 10, 2021

Legal Memorandum

# Final Reminder: Nationwide EAS Test Scheduled for TOMORROW August 11, 2021, at 2:20 PM E.T.

This is a final reminder to broadcasters that the live nationwide test of the Emergency Alert System (“EAS”) is scheduled to take place **TOMORROW: August 11, 2021, at 2:20 PM E.T.**! (The backup date, if needed, is August 25.) All broadcasters are required to participate in the August 11 nationwide test, and all broadcasters are required to timely file the forthcoming Form Two and Form Three reports associated with the nationwide test (all broadcasters—including silent stations—should have already filed their Form One report back in July; if your station hasn’t yet filed Form One, please contact communications counsel for assistance). **The Form Two report will be due August 12, 2021, within 24 hours of the nationwide EAS test**.

*Preparations for Tomorrow’s Nationwide EAS Test*. As a reminder, tomorrow’s EAS test will be broadcast for approximately one minute using the same activation and pathway as the previous nationwide tests conducted in 2011 and 2019—i.e., the test will only be disseminated using the “daisy chain,” a hierarchical, broadcast-based distribution system (as opposed to internet distribution via IPAWS). Because the EAS message will be disseminated via the daisy chain, the “full message text and multilingual messaging will not be available.” The message will comply with the FCC’s accessibility requirements and include both audio and visual elements. As in prior years when the national test was delivered solely via daisy chain, the stated “intent of conducting the test in this fashion is to determine the capability of the [EAS] to deliver messages to the public in the event that dissemination via internet is not available.”

To prepare for tomorrow’s test, stations are encouraged to take the following steps:

* Review the station’s state EAS plan;
* Ensure that a completed and updated copy of the 2021 version of the FCC’s [EAS Operating Handbook](https://www.fcc.gov/file/21268/download) is located at normal duty positions or EAS equipment locations and is immediately available to operators;
* Review the EAS Operating Handbook to become familiar with and prepare for the actions that will need to be taken upon receipt of the test alert;
* Ensure that the station’s EAS equipment operates in compliance with the FCC’s EAS rules and has the capability to receive and process the NPT (national periodic test) code and the “six zeroes” national location code;
* Upgrade, as needed, EAS equipment software and firmware to the most recent version; and
* Manually synchronize EAS equipment clocks to the official time provided by NIST (the National Institute of Standards and Technology), if the station’s equipment does not automatically synchronize to an internet time source.

*Form Two EAS Report Due August 12*. After the nationwide test occurs broadcasters must file two reports, called Form Two and Form Three, respectively. Form Two requires stations to report “day of test” information, and must be completed and filed in the FCC’s ETRS ([EAS Test Reporting System](https://www.fcc.gov/general/eas-test-reporting-system)) **on or before 11:59 p.m. E.T. on August 12**. Most of Form Two’s fields will auto-populate using the data each station provided in Form One. Form Two will ask broadcasters whether they received the nationwide EAS test message and whether they retransmitted the nationwide EAS test message. Form Two is intended to provide the FCC and FEMA only with a quick snapshot of the nationwide test.

 We will have more information regarding completion of Form Three—which will be due by **September 27**—in a future memo. Remember that it is critically important that broadcasters provide truthful information in their EAS reports. Please consult with your FCC counsel if you have any concerns about your EAS compliance and/or nationwide testing issues.

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*Tim Nelson, Editor*

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This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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