

priations of both the House of Representatives and the Senate, and to the Speaker and minority leader of the House of Representatives and to the majority and minority leaders of the Senate, no later than 60 days after the end of each fiscal year.

(Pub. L. 103-414, title IV, §401, as added Pub. L. 104-208, div. A, title I, §101(a) [title I, §110], Sept. 30, 1996, 110 Stat. 3009, 3009-19.)

Editorial Notes

REFERENCES IN TEXT

Section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, referred to in subsec. (d), probably means section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, Pub. L. 104-208, div. A, title I, §101(a) [title VI], Sept. 30, 1996, 110 Stat. 3009, 3009-64, which is not classified to the Code.

Subchapter I of this chapter, referred to in subsec. (f), was in the original “this Act” and was translated as reading “title I of this Act”, meaning title I of Pub. L. 103-414, Oct. 25, 1994, 108 Stat. 4279, which is classified to subchapter I of this chapter, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

DIRECT PAYMENTS FROM FUND

Pub. L. 106-246, div. B, title II, July 13, 2000, 114 Stat. 542, provided in part: “That, hereafter, in the discretion of the Attorney General, any expenditures from the [Telecommunications Carrier Compliance] Fund to pay or reimburse pursuant to sections 104(e) and 109(a) of Public Law 103-414 [47 U.S.C. 1003(e), 1008(a)], may be made directly to any parties specified in section 401(a) thereof [47 U.S.C. 1021(a)], and may be made either pursuant to the regulations promulgated under such section 109, or pursuant to firm fixed-price agreements, upon provision of such information as the Attorney General may require”.

CHAPTER 10—SATELLITE CARRIER RETRANSMISSION ELIGIBILITY

Editorial Notes

CODIFICATION

Pub. L. 115-334, title VI, §6603(1), Dec. 20, 2018, 132 Stat. 4777, substituted “SATELLITE CARRIER RETRANSMISSION ELIGIBILITY” for “LOCAL TV” in chapter heading.

§§ 1101 to 1110. Repealed. Pub. L. 115-334, title VI, § 6603(2), Dec. 20, 2018, 132 Stat. 4777

Section 1101, Pub. L. 106-553, §1(a)(2) [title X, §1002], Dec. 21, 2000, 114 Stat. 2762, 2762A-128, related to the purpose of this chapter, to facilitate access to signals of local television stations for households in nonserved areas and underserved areas.

Section 1102, Pub. L. 106-553, §1(a)(2) [title X, §1003], Dec. 21, 2000, 114 Stat. 2762, 2762A-128, related to establishment of the LOCAL Television Loan Guarantee Board.

Section 1103, Pub. L. 106-553, §1(a)(2) [title X, §1004], Dec. 21, 2000, 114 Stat. 2762, 2762A-129; Pub. L. 107-171, title VI, §6404(b)(1), May 13, 2002, 116 Stat. 430; Pub. L. 110-289, div. A, title II, §1216(f), July 30, 2008, 122 Stat. 2792, related to approval of loan guarantees.

Section 1104, Pub. L. 106-553, §1(a)(2) [title X, §1005], Dec. 21, 2000, 114 Stat. 2762, 2762A-134; Pub. L. 107-171, title VI, §6404(b)(2), May 13, 2002, 116 Stat. 430, related to administration of loan guarantees.

Section 1105, Pub. L. 106-553, §1(a)(2) [title X, §1006], Dec. 21, 2000, 114 Stat. 2762, 2762A-138, related to annual audit.

Section 1106, Pub. L. 106-553, §1(a)(2) [title X, §1007], Dec. 21, 2000, 114 Stat. 2762, 2762A-138, related to improved cellular service in rural areas.

Section 1107, Pub. L. 106-553, §1(a)(2) [title X, §1009], Dec. 21, 2000, 114 Stat. 2762, 2762A-140, related to the sunset for approval of loan guarantees, which was Dec. 31, 2006.

Section 1108, Pub. L. 106-553, §1(a)(2) [title X, §1010], Dec. 21, 2000, 114 Stat. 2762, 2762A-140, related to definitions.

Section 1109, Pub. L. 106-553, §1(a)(2) [title X, §1011], Dec. 21, 2000, 114 Stat. 2762, 2762A-141; Pub. L. 107-171, title VI, §6404(a), May 13, 2002, 116 Stat. 429, related to authorizations of appropriations.

Section 1110, Pub. L. 106-553, §1(a)(2) [title X, §1012], Dec. 21, 2000, 114 Stat. 2762, 2762A-141, related to prevention of interference to direct broadcast satellite services.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 106-553, §1(a)(2) [title X, §1001], Dec. 21, 2000, 114 Stat. 2762, 2762A-128, which provided that title X of H.R. 5548, as enacted by section 1(a)(2) of Pub. L. 106-553, which enacted former chapter X and amended section 339 of this title, could be cited as the “Launching Our Communities’ Access to Local Television Act of 2000”, was repealed by Pub. L. 115-334, title VI, §6603(2), Dec. 20, 2018, 132 Stat. 4777.

CHAPTER 11—COMMERCIAL MOBILE SERVICE ALERTS

Sec. 1201.	Federal Communications Commission duties.
1202.	Commercial Mobile Service Alert Advisory Committee.
1203.	Research and development.
1204.	Grant program for remote community alert systems.
1205.	Funding.
1206.	Reliable emergency alert distribution improvement.

§ 1201. Federal Communications Commission duties

(a) Commercial mobile service alert regulations

Within 180 days after the date on which the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 1202(a) of this title, transmits recommendations to the Federal Communications Commission, the Commission shall complete a proceeding to adopt relevant technical standards, protocols, procedures, and other technical requirements based on the recommendations of such Advisory Committee necessary to enable commercial mobile service alerting capability for commercial mobile service providers that voluntarily elect to transmit emergency alerts. The Commission shall consult with the National Institute of Standards and Technology regarding the adoption of technical standards under this subsection.

(b) Commercial mobile service election

(1) Amendment of commercial mobile service license

Within 120 days after the date on which the Federal Communications Commission adopts relevant technical standards and other technical requirements pursuant to subsection (a), the Commission shall complete a proceeding—

(A) to allow any licensee providing commercial mobile service (as defined in section

332(d)(1) of this title) to transmit emergency alerts to subscribers to, or users of, the commercial mobile service provided by such licensee;

(B) to require any licensee providing commercial mobile service that elects, in whole or in part, under paragraph (2) not to transmit emergency alerts to provide clear and conspicuous notice at the point of sale of any devices with which its commercial mobile service is included, that it will not transmit such alerts via the service it provides for the device; and

(C) to require any licensee providing commercial mobile service that elects under paragraph (2) not to transmit emergency alerts to notify its existing subscribers of its election.

(2) Election

(A) In general

Within 30 days after the Commission issues its order under paragraph (1), each licensee providing commercial mobile service shall file an election with the Commission with respect to whether or not it intends to transmit emergency alerts.

(B) Transmission standards; notification

If a licensee providing commercial mobile service elects to transmit emergency alerts via its commercial mobile service, the licensee shall—

- (i) notify the Commission of its election; and
- (ii) agree to transmit such alerts in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission.

(C) No fee for service

A commercial mobile service licensee that elects to transmit emergency alerts may not impose a separate or additional charge for such transmission or capability.

(D) Withdrawal; late election

The Commission shall establish a procedure—

- (i) for a commercial mobile service licensee that has elected to transmit emergency alerts to withdraw its election without regulatory penalty or forfeiture upon advance written notification of the withdrawal to its affected subscribers;
- (ii) for a commercial mobile service licensee to elect to transmit emergency alerts at a date later than provided in subparagraph (A); and
- (iii) under which a subscriber may terminate a subscription to service provided by a commercial mobile service licensee that withdraws its election without penalty or early termination fee.

(E) Consumer choice technology

Any commercial mobile service licensee electing to transmit emergency alerts may offer subscribers the capability of preventing the subscriber's device from receiving such alerts, or classes of such alerts, other than an alert issued by—

(i) the President; or

(ii) the Administrator of the Federal Emergency Management Agency.

(c) Digital television transmission towers retransmission capability

Within 90 days after the date on which the Commission adopts relevant technical standards based on recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 1202(a) of this title, the Commission shall complete a proceeding to require licensees and permittees of noncommercial educational broadcast stations or public broadcast stations (as those terms are defined in section 397(6) of this title) to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the distribution of geographically targeted alerts by commercial mobile service providers that have elected to transmit emergency alerts under this section.

(d) FCC regulation of compliance

The Federal Communications Commission may enforce compliance with this chapter but shall have no rulemaking authority under this chapter, except as provided in subsections (a), (b), (c), and (f).

(e) Limitation of liability

(1) In general

Any commercial mobile service provider (including its officers, directors, employees, vendors, and agents) that transmits emergency alerts and meets its obligations under this chapter shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(A) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, an emergency alert; or

(B) the release to a government agency or entity, public safety, fire service, law enforcement official, emergency medical service, or emergency facility of subscriber information used in connection with delivering such an alert.

(2) Election not to transmit alerts

The election by a commercial mobile service provider under subsection (b)(2)(A) not to transmit emergency alerts, or to withdraw its election to transmit such alerts under subsection (b)(2)(D) shall not, by itself, provide a basis for liability against the provider (including its officers, directors, employees, vendors, and agents).

(f) Testing

The Commission shall require by regulation technical testing for commercial mobile service providers that elect to transmit emergency alerts and for the devices and equipment used by such providers for transmitting such alerts.

(Pub. L. 109-347, title VI, §602, Oct. 13, 2006, 120 Stat. 1936; Pub. L. 116-283, div. H, title XCII, §9201(a)(1), Jan. 1, 2021, 134 Stat. 4785.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (d) and (e)(1), was in the original "this title", meaning title VI of Pub. L.

109-347, Oct. 13, 2006, 120 Stat. 1936, which is classified principally to this chapter. For complete classification of title VI to the Code, see Short Title note set out below and Tables.

AMENDMENTS

2021—Subsec. (b)(2)(E). Pub. L. 116-283, substituted in first sentence, “other than an alert issued by—” for “other than an alert issued by the President.”, and added cls. (i) and (ii), and struck out after first sentence “Within 2 years after the Commission completes the proceeding under paragraph (1), the Commission shall examine the issue of whether a commercial mobile service provider should continue to be permitted to offer its subscribers such capability. The Commission shall submit a report with its recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.”

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 109-347, title VI, § 601, Oct. 13, 2006, 120 Stat. 1936, provided that: “This title [enacting this chapter, section 314a of Title 6, Domestic Security, and section 5189e of Title 42, The Public Health and Welfare, and amending section 101 of Title 6 and sections 5150, 5172, 5173, and 5184 of Title 42] may be cited as the ‘Warning, Alert, and Response Network Act’.”

§ 1202. Commercial Mobile Service Alert Advisory Committee

(a) Establishment

Not later than 60 days after October 13, 2006, the chairman of the Federal Communications Commission shall establish an advisory committee, to be known as the Commercial Mobile Service Alert Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) Membership

The chairman of the Federal Communications Commission shall appoint the members of the Advisory Committee, as soon as practicable after October 13, 2006, from the following groups:

(1) State and local government representatives

Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and personnel.

(2) Tribal governments

Representatives from Federally recognized Indian tribes and National Indian organizations.

(3) Subject matter experts

Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs, including individuals with disabilities and the elderly; and
(G) other individuals with relevant technical expertise.

(4) Qualified representatives of other stakeholders and interested parties

Qualified representatives of such other stakeholders and interested and affected parties as the chairman deems appropriate.

(c) Development of system-critical recommendations

Within 1 year after October 13, 2006, the Advisory Committee shall develop and submit to the Federal Communications Commission recommendations—

(1) for protocols, technical capabilities, and technical procedures through which electing commercial mobile service providers receive, verify, and transmit alerts to subscribers;

(2) for the establishment of technical standards for priority transmission of alerts by electing commercial mobile service providers to subscribers;

(3) for relevant technical standards for devices and equipment and technologies used by electing commercial mobile service providers to transmit emergency alerts to subscribers;

(4) for the technical capability to transmit emergency alerts by electing commercial mobile providers to subscribers in languages in addition to English, to the extent practicable and feasible;

(5) under which electing commercial mobile service providers may offer subscribers the capability of preventing the subscriber’s device from receiving emergency alerts, or classes of such alerts, (other than an alert issued by the President), consistent with section 1201(b)(2)(E) of this title;

(6) for a process under which commercial mobile service providers can elect to transmit emergency alerts if—

(A) not all of the devices or equipment used by such provider are capable of receiving such alerts; or

(B) the provider cannot offer such alerts throughout the entirety of its service area; and

(7) as otherwise necessary to enable electing commercial mobile service providers to transmit emergency alerts to subscribers.

(d) Meetings

(1) Initial meeting

The initial meeting of the Advisory Committee shall take place not later than 60 days after October 13, 2006.

(2) Other meetings

After the initial meeting, the Advisory Committee shall meet at the call of the chair.

(3) Notice; open meetings

Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) Rules

(1) Quorum

One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.