

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.)

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.

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.

(2) Subcommittees

To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as deemed necessary.

(3) Additional rules

The Advisory Committee may adopt other rules as needed.

(f) Federal Advisory Committee Act

Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

(g) Consultation with NIST

The Advisory Committee shall consult with the National Institute of Standards and Technology in its work on developing recommendations under paragraphs (2) and (3) of subsection (c).

(Pub. L. 109-347, title VI, §603, Oct. 13, 2006, 120 Stat. 1938.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 1203. Research and development

(a) In general

The Under Secretary of Homeland Security for Science and Technology, in consultation with the director of the National Institute of Standards and Technology and the chairman of the Federal Communications Commission, shall establish a research, development, testing, and evaluation program based on the recommendations of the Commercial Mobile Service Alert Advisory Committee, established pursuant to section 1202(a) of this title, to support the development of technologies to increase the number of commercial mobile service devices that can receive emergency alerts.

(b) Functions

The program established under subsection (a) shall—

(1) fund research, development, testing, and evaluation at academic institutions, private sector entities, government laboratories, and other appropriate entities; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency alerts to the public; and

(B) research on understanding and improving public response to warnings.

(Pub. L. 109-347, title VI, §604, Oct. 13, 2006, 120 Stat. 1940.)

§ 1204. Grant program for remote community alert systems

(a) Grant program

The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of Homeland Security, shall establish a program under which grants may be made to provide for outdoor alerting technologies in remote communities effectively unserved by commercial mobile service (as determined by the Federal Communications Commission within 180 days after October 13, 2006) for the purpose of enabling residents of those communities to receive emergency alerts.

(b) Applications and conditions

In conducting the program, the Under Secretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) Sunset

The Under Secretary may not make grants under subsection (a) more than 5 years after October 13, 2006.

(d) Limitation

The sum of the amounts awarded for all fiscal years as grants under this section may not exceed \$10,000,000.

(Pub. L. 109-347, title VI, §605, Oct. 13, 2006, 120 Stat. 1940.)