

market areas described in section 1103(e)(1)(C)(i) of this title have access to local television broadcast signals for virtually all households (as determined by the Secretary); or

(II) December 31, 2006.

**(C) Advanced appropriations**

Subsections (c) and (h)(1)(B) of section 1103 of this title and section 1104(n)(3)(B) of this title shall not apply to amounts made available under this paragraph.

**(b) Cost of administration**

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter, other than to cover costs under subsection (a) of this section.

**(c) Availability**

Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) of this section shall remain available until expended.

(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.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b), was in the original "this Act", and was translated as reading "this title". See References in Text note set out under section 1101 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171 designated existing provisions as par. (1), inserted heading, and added par. (2).

**§ 1110. Prevention of interference to direct broadcast satellite services**

**(a) Testing for harmful interference**

The Federal Communications Commission shall provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the direct broadcast satellite frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service.

**(b) Technical demonstration**

In order to satisfy the requirement of subsection (a) of this section for any pending application, the Commission shall select an engineering firm or other qualified entity independent of any interested party based on a recommendation made by the Institute of Electrical and Electronics Engineers (IEEE), or a similar independent professional organization, to perform the technical demonstration or analysis. The demonstration shall be concluded within 60 days after December 21, 2000, and shall be subject to public notice and comment for not more than 30 days thereafter.

**(c) Definitions**

As used in this section:

**(1) Direct broadcast satellite frequency band**

The term "direct broadcast satellite frequency band" means the band of frequencies at 12.2 to 12.7 gigahertz.

**(2) Direct broadcast satellite service**

The term "direct broadcast satellite service" means any direct broadcast satellite system operating in the direct broadcast satellite frequency band.

(Pub. L. 106-553, §1(a)(2) [title X, §1012], Dec. 21, 2000, 114 Stat. 2762, 2762A-141.)

**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.

**§ 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 the President. 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.

**(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 non-commercial educational broadcast stations or public broadcast stations (as those terms are de-

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