

years thereafter, the Inspector General of the Department of Justice, shall submit to the Congress a report, after consultation with the Attorney General and the telecommunications industry—

(A) describing the type of equipment, facilities, and services that have been brought into compliance under this subchapter; and

(B) reflecting its analysis of the reasonableness and cost-effectiveness of the payments made by the Attorney General to telecommunications carriers for modifications necessary to ensure compliance with this subchapter.

(2) COMPLIANCE COST ESTIMATES.—A report under paragraph (1) shall include findings and conclusions on the costs to be incurred by telecommunications carriers to comply with the assistance capability requirements of section 1002 of this title after the effective date of such section 1002 of this title, including projections of the amounts expected to be incurred and a description of the equipment, facilities, or services for which they are expected to be incurred.

(Pub. L. 103-414, title I, §112, Oct. 25, 1994, 108 Stat. 4288; Pub. L. 104-316, title I, §126(b), Oct. 19, 1996, 110 Stat. 3840.)

REFERENCES IN TEXT

The effective date of section 1002 of this title, referred to in subsec. (b)(2), is the date that is 4 years after Oct. 25, 1994, see section 111(b) of Pub. L. 103-414, set out as an Effective Date note under section 1001 of this title.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-316, §126(b)(1), inserted introductory provisions and struck out heading and text of former introductory provisions. Text read as follows: “On or before April 1, 1996, and every 2 years thereafter, the Comptroller General of the United States, after consultation with the Attorney General and the telecommunications industry, shall submit to the Congress a report—”.

Subsec. (b)(2). Pub. L. 104-316, §126(b)(2), substituted “findings and conclusions” for “the findings and conclusions of the Comptroller General”.

SUBCHAPTER II—TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

§ 1021. Department of Justice Telecommunications Carrier Compliance Fund

(a) Establishment of Fund

There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereafter referred to as “the Fund”), which shall be available without fiscal year limitation to the Attorney General for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 1008 of this title.

(b) Deposits to Fund

Notwithstanding any other provision of law, any agency of the United States with law enforcement or intelligence responsibilities may deposit as offsetting collections to the Fund any unobligated balances that are available until expended, upon compliance with any Congress-

sional notification requirements for reprogrammings of funds applicable to the appropriation from which the deposit is to be made.

(c) Termination

(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury.

(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

(d) Availability of funds for expenditure

Funds shall not be available for obligation unless an implementation plan as set forth in subsection (e) of this section is submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate and the Congress does not by law block or prevent the obligation of such funds. Such funds shall be treated as a reprogramming of funds under section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section and this section.

(e) Implementation plan

The implementation plan shall include:

(1) the law enforcement assistance capability requirements and an explanation of law enforcement's recommended interface;

(2) the proposed actual and maximum capacity requirements for the number of simultaneous law enforcement communications intercepts, pen registers, and trap and trace devices that authorized law enforcement agencies may seek to conduct, set forth on a county-by-county basis for wireline services and on a market service area basis for wireless services, and the historical baseline of electronic surveillance activity upon which such capacity requirements are based;

(3) a prioritized list of carrier equipment, facilities, and services deployed on or before January 1, 1995, to be modified by carriers at the request of law enforcement based on its investigative needs;

(4) a projected reimbursement plan that estimates the cost for the coming fiscal year and for each fiscal year thereafter, based on the prioritization of law enforcement needs as outlined in (3),¹ of modification by carriers of equipment, facilities and services, installed on or before January 1, 1995.

(f) Annual report to Congress

The Attorney General shall submit to the Congress each year a report specifically detailing all deposits and expenditures made pursuant to subchapter I² of this chapter in each fiscal year. This report shall be submitted to each member of the Committees on the Judiciary and Appro-

¹ So in original. Probably should be “paragraph (3),”.

² See References in Text note below.

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.)

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.

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—LOCAL TV

Sec.	
1101.	Purpose.
1102.	LOCAL Television Loan Guarantee Board.
1103.	Approval of loan guarantees.
1104.	Administration of loan guarantees.
1105.	Annual audit.
1106.	Improved cellular service in rural areas.
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1109.	Authorization of appropriations.
1110.	Prevention of interference to direct broadcast satellite services.

§ 1101. Purpose

The purpose of this chapter is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in nonserved areas and underserved areas.

(Pub. L. 106-553, §1(a)(2) [title X, §1002], Dec. 21, 2000, 114 Stat. 2762, 2762A-128.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, and was translated as reading “this title” meaning title X of H.R. 5548, as enacted by Pub. L. 106-553, §1(a)(2), Dec. 21, 2000, 114 Stat. 2762, 2762A-128, to reflect the probable intent of Congress. Title X enacted this chapter and amended section 339 of this title. For complete classification of title X to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 106-553, §1(a)(2) [title X, §1001], Dec. 21, 2000, 114 Stat. 2762, 2762A-128, provided that: “This title [title

X of H.R. 5548, as enacted by section 1(a)(2) of Pub. L. 106-553, enacting this chapter and amending section 339 of this title] may be cited as the ‘Launching Our Communities’ Access to Local Television Act of 2000’.”

§ 1102. LOCAL Television Loan Guarantee Board

(a) Establishment

There is established the LOCAL Television Loan Guarantee Board (in this chapter referred to as the “Board”).

(b) Members

(1) In general

Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(D) The Secretary of Commerce, or the designee of the Secretary.

(2) Requirement as to designees

An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) Functions of the Board

(1) In general

The Board shall determine whether or not to approve loan guarantees under this chapter. The Board shall make such determinations consistent with the purpose of this chapter and in accordance with this subsection and section 1103¹ of this title.

(2) Consultation authorized

(A) In general

In carrying out its functions under this chapter, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) Response

A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this chapter.

(3) Approval by majority vote

The determination of the Board to approve a loan guarantee under this chapter shall be by an affirmative vote of not less than 3 members of the Board.

¹ See References in Text note below.