

Mar. 11, 2009, 123 Stat. 829; Pub. L. 112-96, title VI, §6702, Feb. 22, 2012, 126 Stat. 252; Pub. L. 114-74, title X, §1005(a), Nov. 2, 2015, 129 Stat. 622.)

AMENDMENTS

2015—Subsecs. (g) to (i). Pub. L. 114-74 added subsecs. (g) and (h) and redesignated former subsec. (g) as (i).

2012—Pub. L. 112-96, §6702(1), substituted “relocation or sharing costs” for “relocation costs” wherever appearing.

Subsec. (c). Pub. L. 112-96, §6702(2), amended subsec. (c) generally. Prior to amendment, text read as follows: “The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation or sharing costs, as defined in section 923(g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.”

Subsec. (d)(2)(A). Pub. L. 112-96, §6702(3)(A)(iv), added subpar. (A). Former subpar. (A) redesignated (B).

Pub. L. 112-96, §6702(3)(A)(i), inserted “or sharing” before the semicolon.

Subsec. (d)(2)(B). Pub. L. 112-96, §6702(3)(A)(iii), redesignated subpar. (A) as (B). Former subpar. (B) redesignated (C).

Pub. L. 112-96, §6702(3)(A)(ii), inserted “or sharing” before period at end.

Subsec. (d)(2)(C). Pub. L. 112-96, §6702(3)(A)(iii), redesignated subpar. (B) as (C).

Subsec. (d)(3). Pub. L. 112-96, §6702(3)(B), (C), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “Any auction proceeds in the Fund that are remaining after the payment of the relocation or sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund.”

Subsec. (d)(4). Pub. L. 112-96, §6702(3)(C), added par. (4).

Subsec. (e)(1)(B)(i). Pub. L. 112-96, §6702(4)(A)(i), substituted “subsection (d)(2)(B)” for “subsection (d)(2)(A)”.

Subsec. (e)(1)(B)(ii). Pub. L. 112-96, §6702(4)(A)(ii), substituted “subsection (d)(2)(C)” for “subsection (d)(2)(B)”.

Subsec. (e)(2). Pub. L. 112-96, §6702(4)(B), substituted “relocation of the entity or implementation of the sharing arrangement by the entity” for “entity’s relocation” and “subsection (d)(2)(B)” for “subsection (d)(2)(A)” and inserted “or the implementation of such arrangement” after “such relocation”.

Subsecs. (f), (g). Pub. L. 112-96, §6702(5), added subsecs. (f) and (g).

2009—Subsec. (e)(1)(B)(ii) to (iv). Pub. L. 111-8 inserted “and” after semicolon in cl. (ii), substituted period for “; and” in cl. (iii), and struck out cl. (iv) which read as follows: “the Comptroller General shall, within 30 days after receiving such plan, review such plan and submit to such committees an assessment of the explanation for the subsequent transfer or transfers.”

ANNUAL REPORT

Pub. L. 108-494, title II, §207, Dec. 23, 2004, 118 Stat. 3996, provided that: “The National Telecommunications and Information Administration shall submit an annual report to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General on—

“(1) the progress made in adhering to the timelines applicable to relocation from eligible frequencies required under [former] section 118(d)(2)(A) of the National Telecommunications and Information Administration Organization Act [now 47 U.S.C. 928(d)(2)(B)], separately stated on a communication system-by-system basis and on an auction-by-auction basis; and

“(2) with respect to each relocated communication system and auction, a statement of the estimate of

relocation costs required under section 113(g)(4) of such Act [47 U.S.C. 923(g)(4)], the actual relocations costs incurred, and the amount of such costs paid from the Spectrum Relocation Fund.”

§ 929. National security and other sensitive information

(a) Determination

If the head of an Executive agency (as defined in section 105 of title 5) determines that public disclosure of any information contained in a notification or report required by section 923 or 928 of this title would reveal classified national security information, or other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation, the head of the Executive agency shall notify the Assistant Secretary of that determination prior to the release of such information.

(b) Inclusion in annex

The head of the Executive agency shall place the information with respect to which a determination was made under subsection (a) in a separate annex to the notification or report required by section 923 or 928 of this title. The annex shall be provided to the subcommittee of primary jurisdiction of the congressional committee of primary jurisdiction in accordance with appropriate national security stipulations but shall not be disclosed to the public or provided to any unauthorized person through any means.

(Pub. L. 102-538, title I, §119, as added Pub. L. 112-96, title VI, §6703, Feb. 22, 2012, 126 Stat. 255.)

SUBCHAPTER III—MISCELLANEOUS

§ 941. Child-friendly second-level Internet domain

(a) Responsibilities

The NTIA shall require the registry selected to operate and maintain the United States country code Internet domain to establish, operate, and maintain a second-level domain within the United States country code domain that provides access only to material that is suitable for minors and not harmful to minors (in this section referred to as the “new domain”).

(b) Conditions of contracts

(1) Initial registry

The NTIA shall not exercise any option periods under any contract between the NTIA and the initial registry to operate and maintain the United States country code Internet domain unless the initial registry agrees, during the 90-day period beginning upon December 4, 2002, to carry out, and to operate the new domain in accordance with, the requirements under subsection (c). Nothing in this subsection shall be construed to prevent the initial registry of the United States country code Internet domain from participating in the NTIA’s process for selecting a successor registry or to prevent the NTIA from awarding, to the initial registry, the contract to be suc-

cessor registry subject to the requirements of paragraph (2).

(2) Successor registries

The NTIA shall not enter into any contract for operating and maintaining the United States country code Internet domain with any successor registry unless such registry enters into an agreement with the NTIA, during the 90-day period after selection of such registry, that provides for the registry to carry out, and the new domain to operate in accordance with, the requirements under subsection (c).

(c) Requirements of new domain

The registry and new domain shall be subject to the following requirements:

(1) Written content standards for the new domain, except that the NTIA shall not have any authority to establish such standards.

(2) Written agreements with each registrar for the new domain that require that use of the new domain is in accordance with the standards and requirements of the registry.

(3) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to use the new domain in accordance with the standards and requirements of the registry.

(4) Rules and procedures for enforcement and oversight that minimize the possibility that the new domain provides access to content that is not in accordance with the standards and requirements of the registry.

(5) A process for removing from the new domain any content that is not in accordance with the standards and requirements of the registry.

(6) A process to provide registrants to the new domain with an opportunity for a prompt, expeditious, and impartial dispute resolution process regarding any material of the registrant excluded from the new domain.

(7) Continuous and uninterrupted service for the new domain during any transition to a new registry selected to operate and maintain new domain or the United States country code domain.

(8) Procedures and mechanisms to promote the accuracy of contact information submitted by registrants and retained by registrars in the new domain.

(9) Operationality of the new domain not later than one year after December 4, 2002.

(10) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to prohibit two-way and multiuser interactive services in the new domain, unless the registrant certifies to the registrar that such service will be offered in compliance with the content standards established pursuant to paragraph (1) and is designed to reduce the risk of exploitation of minors using such two-way and multiuser interactive services.

(11) Written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to prohibit hyperlinks in the new domain that take new domain users outside of the new domain.

(12) Any other action that the NTIA considers necessary to establish, operate, or main-

tain the new domain in accordance with the purposes of this section.

(d) Option periods for initial registry

The NTIA shall grant the initial registry the option periods available under the contract between the NTIA and the initial registry to operate and maintain the United States country code Internet domain if, and may not grant such option periods unless, the NTIA finds that the initial registry has satisfactorily performed its obligations under this Act and under the contract. Nothing in this section shall preempt or alter the NTIA's authority to terminate such contract for the operation of the United States country code Internet domain for cause or for convenience.

(e) Treatment of registry and other entities

(1) In general

Only to the extent that such entities carry out functions under this section, the following entities are deemed to be interactive computer services for purposes of section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)):

(A) The registry that operates and maintains the new domain.

(B) Any entity that contracts with such registry to carry out functions to ensure that content accessed through the new domain complies with the limitations applicable to the new domain.

(C) Any registrar for the registry of the new domain that is operating in compliance with its agreement with the registry.

(2) Savings provision

Nothing in paragraph (1) shall be construed to affect the applicability of any other provision of title II of the Communications Act of 1934 [47 U.S.C. 201 et seq.] to the entities covered by subparagraph (A), (B), or (C) of paragraph (1).

(f) Education

The NTIA shall carry out a program to publicize the availability of the new domain and to educate the parents of minors regarding the process for utilizing the new domain in combination and coordination with hardware and software technologies that provide for filtering or blocking. The program under this subsection shall be commenced not later than 30 days after the date that the new domain first becomes operational and accessible by the public.

(g) Coordination with Federal Government

The registry selected to operate and maintain the new domain shall—

(1) consult with appropriate agencies of the Federal Government regarding procedures and actions to prevent minors and families who use the new domain from being targeted by adults and other children for predatory behavior, exploitation, or illegal actions; and

(2) based upon the consultations conducted pursuant to paragraph (1), establish such procedures and take such actions as the registry may deem necessary to prevent such targeting.

The consultations, procedures, and actions required under this subsection shall be com-

menced not later than 30 days after the date that the new domain first becomes operational and accessible by the public.

(h) Compliance report

The registry shall prepare, on an annual basis, a report on the registry's monitoring and enforcement procedures for the new domain. The registry shall submit each such report, setting forth the results of the review of its monitoring and enforcement procedures for the new domain, to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(i) Suspension of new domain

If the NTIA finds, pursuant to its own review or upon a good faith petition by the registry, that the new domain is not serving its intended purpose, the NTIA shall instruct the registry to suspend operation of the new domain until such time as the NTIA determines that the new domain can be operated as intended.

(j) Definitions

For purposes of this section, the following definitions shall apply:

(1) Harmful to minors

The term "harmful to minors" means, with respect to material, that—

(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, that it is designed to appeal to, or is designed to pander to, the prurient interest;

(B) the material depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

(C) taken as a whole, the material lacks serious, literary, artistic, political, or scientific value for minors.

(2) Minor

The term "minor" means any person under 13 years of age.

(3) Registry

The term "registry" means the registry selected to operate and maintain the United States country code Internet domain.

(4) Successor registry

The term "successor registry" means any entity that enters into a contract with the NTIA to operate and maintain the United States country code Internet domain that covers any period after the termination or expiration of the contract to operate and maintain the United States country code Internet domain, and any option periods under such contract, that was signed on October 26, 2001.

(5) Suitable for minors

The term "suitable for minors" means, with respect to material, that it—

(A) is not psychologically or intellectually inappropriate for minors; and

(B) serves—

(i) the educational, informational, intellectual, or cognitive needs of minors; or

(ii) the social, emotional, or entertainment needs of minors.

(Pub. L. 102-538, title I, §157, as added Pub. L. 107-317, §4, Dec. 4, 2002, 116 Stat. 2767.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 102-538, Oct. 27, 1992, 106 Stat. 3533, as amended, known as the Telecommunications Authorization Act of 1992. Title I of the Act, known as the National Telecommunications and Information Administration Organization Act, is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

The Communications Act of 1934, referred to in subsec. (e)(2), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended. Title II of the Act is classified generally to subchapter II (§201 et seq.) of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

FINDINGS AND PURPOSES

Pub. L. 107-317, §2, Dec. 4, 2002, 116 Stat. 2766, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) the World Wide Web presents a stimulating and entertaining opportunity for children to learn, grow, and develop educationally and intellectually;

“(2) Internet technology also makes available an extensive amount of information that is harmful to children, as studies indicate that a significant portion of all material available on the Internet is related to pornography;

“(3) young children, when trying to use the World Wide Web for positive purposes, are often presented—either mistakenly or intentionally—with material that is inappropriate for their age, which can be extremely frustrating for children, parents, and educators;

“(4) exposure of children to material that is inappropriate for them, including pornography, can distort the education and development of the Nation's youth and represents a serious harm to American families that can lead to a host of other problems for children, including inappropriate use of chat rooms, physical molestation, harassment, and legal and financial difficulties;

“(5) young boys and girls, older teens, troubled youth, frequent Internet users, chat room participants, online risk takers, and those who communicate online with strangers are at greater risk for receiving unwanted sexual solicitation on the Internet;

“(6) studies have shown that 19 percent of youth (ages 10 to 17) who used the Internet regularly were the targets of unwanted sexual solicitation, but less than 10 percent of the solicitations were reported to the police;

“(7) children who come across illegal content should report it to the congressionally authorized CyberTipline, an online mechanism developed by the National Center for Missing and Exploited Children, for citizens to report sexual crimes against children;

“(8) the CyberTipline has received more than 64,400 reports, including reports of child pornography, online enticement for sexual acts, child molestation (outside the family), and child prostitution;

“(9) although the computer software and hardware industries, and other related industries, have developed innovative ways to help parents and educators restrict material that is harmful to minors through parental control protections and self-regulation, to date such efforts have not provided a national solution to the problem of minors accessing harmful material on the World Wide Web;

“(10) the creation of a ‘green-light’ area within the United States country code Internet domain, that

will contain only content that is appropriate for children under the age of 13, is analogous to the creation of a children's section within a library and will promote the positive experiences of children and families in the United States; and

“(1) while custody, care, and nurture of the child reside first with the parent, the protection of the physical and psychological well-being of minors by shielding them from material that is harmful to them is a compelling governmental interest.

“(b) PURPOSES.—The purposes of this Act [see Short Title of 2002 Amendment note set out under section 901 of this title] are—

“(1) to facilitate the creation of a second-level domain within the United States country code Internet domain for the location of material that is suitable for minors and not harmful to minors; and

“(2) to ensure that the National Telecommunications and Information Administration oversees the creation of such a second-level domain and ensures the effective and efficient establishment and operation of the new domain.”

§ 942. Coordination of 9–1–1, E9–1–1, and Next Generation 9–1–1 implementation

(a) 9–1–1 Implementation Coordination Office

(1) Establishment and continuation

The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

(A) establish and further a program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 9–1–1 services; and

(B) establish a 9–1–1 Implementation Coordination Office to implement the provisions of this section.

(2) Management plan

(A) Development

The Assistant Secretary and the Administrator shall develop a management plan for the grant program established under this section, including by developing—

(i) plans related to the organizational structure of such program; and

(ii) funding profiles for each fiscal year of the duration of such program.

(B) Submission to Congress

Not later than 90 days after February 22, 2012, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

(3) Purpose of Office

The Office shall—

(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services;

(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

(4) Reports

The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of 9–1–1 services, E9–1–1 services, and Next Generation 9–1–1 services.

(b) 9–1–1, E9–1–1, and Next Generation 9–1–1 implementation grants

(1) Matching grants

The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

(A) the implementation and operation of 9–1–1 services, E9–1–1 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 9–1–1 services and applications;

(B) the implementation of IP-enabled emergency services and applications enabled by Next Generation 9–1–1 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 9–1–1 services.

(2) Matching requirement

The Federal share of the cost of a project eligible for a grant under this section shall not exceed 60 percent.

(3) Coordination required

In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

(A) in the case of an eligible entity that is a State government, the entity—

(i) has coordinated its application with the public safety answering points located within the jurisdiction of such entity;

(ii) has designated a single officer or governmental body of the entity to serve as the coordinator of implementation of 9–1–1 services, except that such designation need not vest such coordinator with direct legal authority to implement 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1 services or to manage emergency communications operations;