

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.)

§ 1205. Funding

(a) In general

In addition to any amounts provided by appropriation Acts, funding for this chapter shall be

provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

(b) Compensation

The Assistant Secretary of Commerce for Communications and Information shall compensate any such broadcast station licensee or permittee for reasonable costs incurred in complying with the requirements imposed pursuant to section 1201(c) of this title from funds made available under this section. The Assistant Secretary shall ensure that sufficient funds are made available to effectuate geographically targeted alerts.

(c) Credit

The Assistant Secretary of Commerce for Communications and Information, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere, may borrow from the Treasury beginning on October 1, 2006, such sums as may be necessary, but not to exceed \$106,000,000, to implement this chapter. The Assistant Secretary of Commerce for Communications and Information shall ensure that the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Commerce for Oceans and Atmosphere are provided adequate funds to carry out their responsibilities under sections 1203 and 1204 of this title. The Treasury shall be reimbursed, without interest, from amounts in the Digital Television Transition and Public Safety Fund as funds are deposited into the Fund.

(Pub. L. 109-347, title VI, §606, Oct. 13, 2006, 120 Stat. 1941.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), 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 under section 1201 of this title and Tables.

Section 3010 of the Digital Television Transition and Public Safety Act of 2005, referred to in subsec. (a), is section 3010 of Pub. L. 109-171, which is set out in a note under section 309 of this title.

§ 1206. Reliable emergency alert distribution improvement

(a) Wireless emergency alerts system offerings

(1) Omitted

(2) Regulations

Not later than 180 days after January 1, 2021, the Commission, in consultation with the Administrator, shall adopt regulations to implement the amendment made by paragraph (1)(B).¹

¹ See References in Text note below.

(b) State emergency alert system plans and emergency communications committees**(1) State emergency communications committee**

Not later than 180 days after January 1, 2021, the Commission shall adopt regulations that—

(A) encourage the chief executive of each State—

(i) to establish an SECC if the State does not have an SECC; or

(ii) if the State has an SECC, to review the composition and governance of the SECC;

(B) provide that—

(i) each SECC, not less frequently than annually, shall—

(I) meet to review and update its State EAS Plan;

(II) certify to the Commission that the SECC has met as required under subclause (I); and

(III) submit to the Commission an updated State EAS Plan; and

(ii) not later than 60 days after the date on which the Commission receives an updated State EAS Plan under clause (i)(III), the Commission shall—

(I) approve or disapprove the updated State EAS Plan; and

(II) notify the chief executive of the State of the Commission's approval or disapproval of such plan, and reason therefor; and

(C) establish a State EAS Plan content checklist for SECCs to use when reviewing and updating a State EAS Plan for submission to the Commission under subparagraph (B)(i).

(2) Consultation

The Commission shall consult with the Administrator regarding the adoption of regulations under paragraph (1)(C).

(3) Definitions

In this subsection—

(A) the term “SECC” means a State Emergency Communications Committee;

(B) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States; and

(C) the term “State EAS Plan” means a State Emergency Alert System Plan.

(c) False alert reporting

Not later than 180 days after January 1, 2021, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to establish a system to receive from the Administrator or State, Tribal, or local governments reports of false alerts under the Emergency Alert System or the Wireless Emergency Alerts System for the purpose of recording such false alerts and examining the causes of such false alerts.

(d) Repeating emergency alert system messages for national security**(1) In general**

Not later than 180 days after January 1, 2021, the Commission, in consultation with the Administrator, shall complete a rulemaking proceeding to modify the Emergency Alert System to provide for repeating Emergency Alert System messages while an alert remains pending that is issued by—

(A) the President;

(B) the Administrator; or

(C) any other entity determined appropriate under the circumstances by the Commission, in consultation with the Administrator.

(2) Scope of rulemaking

Paragraph (1) shall—

(A) apply to warnings of national security events, meaning emergencies of national significance, such as a missile threat, terror attack, or other act of war or threat to public safety; and

(B) not apply to more typical warnings, such as a weather alert, AMBER Alert, or disaster alert.

(3) Rule of construction

Nothing in this subsection shall be construed to impair, limit, or otherwise change—

(A) the authority of the President granted by law to alert and warn the public; or

(B) the role of the President as commander-in-chief with respect to the identification, dissemination, notification, or alerting of information of missile threats against the United States, or threats to public safety.

(e) Internet and online streaming services emergency alert examination**(1) Study**

Not later than 180 days after January 1, 2021, and after providing public notice and opportunity for comment, the Commission shall complete an inquiry to examine the feasibility of updating the Emergency Alert System to enable or improve alerts to consumers provided through the internet, including through streaming services.

(2) Report

Not later than 90 days after completing the inquiry under paragraph (1), the Commission shall submit a report on the findings and conclusions of the inquiry to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(f) Definitions

In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency;

(2) the term “Commission” means the Federal Communications Commission;

(3) the term “Emergency Alert System” means the national public warning system, the rules for which are set forth in part 11 of

title 47, Code of Federal Regulations (or any successor regulation); and

(4) the term “Wireless Emergency Alerts System” means the wireless national public warning system established under the Warning, Alert, and Response Network Act (47 U.S.C. 1201 et seq.), the rules for which are set forth in part 10 of title 47, Code of Federal Regulations (or any successor regulation).

(Pub. L. 116–283, div. H, title XCII, § 9201, Jan. 1, 2021, 134 Stat. 4785.)

Editorial Notes

REFERENCES IN TEXT

The amendment made by paragraph (1)(B), referred to in subsec. (a)(2), means the amendment made by Pub. L. 116–283, § 9201(a)(1)(B) which amended section 1201 of this title.

The Warning, Alert, and Response Network Act, referred to in subsec. (f)(4), is title VI of Pub. L. 109–347, Oct. 13, 2006, 120 Stat. 1936, which is classified principally to chapter 11 (§ 1201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set under section 1201 of this title and Tables.

CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 and not as part of the Warning, Alert, and Response Network Act which comprises this chapter.

Section is comprised of section 9201 of Pub. L. 116–283. Subsec. (a) of section 9201 of Pub. L. 116–283 amended section 1201 of this title.

CHAPTER 12—BROADBAND

Sec.	
1301.	Findings.
1302.	Advanced telecommunications incentives.
1303.	Improving Federal data on broadband.
1304.	Encouraging State initiatives to improve broadband.
1305.	Broadband Technology Opportunities Program.
1306.	Connecting minority communities.
1307.	Office of Internet Connectivity and Growth.
1308.	Interagency agreement.

§ 1301. Findings

The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary State efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private

sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation.

(Pub. L. 110–385, title I, § 102, Oct. 10, 2008, 122 Stat. 4096.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 110–385, title I, § 101, Oct. 10, 2008, 122 Stat. 4096, provided that: “This title [enacting this chapter and amending section 1302 of this title] may be cited as the ‘Broadband Data Improvement Act’.”

BENEFIT FOR BROADBAND SERVICE DURING EMERGENCY PERIOD RELATING TO COVID-19

Pub. L. 116–260, div. N, title IX, § 904, Dec. 27, 2020, 134 Stat. 2129, which related to benefits for broadband service during the COVID-19 emergency, was transferred to section 1752 of this title.

TRIBAL DIGITAL ACCESS

Pub. L. 115–141, div. P, title V, § 508, Mar. 23, 2018, 132 Stat. 1095, provided that:

“(a) TRIBAL BROADBAND DATA REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Mar. 23, 2018], the Commission [Federal Communications Commission] shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating broadband coverage in Indian country (as defined in section 1151 of title 18, United States Code) and on land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

“(2) REQUIRED ASSESSMENTS.—The report required by paragraph (1) shall include the following:

“(A) An assessment of areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act that have adequate broadband coverage.

“(B) An assessment of unserved areas of Indian country (as so defined) and land held by a Native Corporation pursuant to the Alaska Native Claims Settlement Act.

“(b) TRIBAL BROADBAND PROCEEDING.—Not later than 30 months after the date of the enactment of this Act, the Commission shall complete a proceeding to address the unserved areas identified in the report under subsection (a).”

Executive Documents

EX. ORD. NO. 13616. ACCELERATING BROADBAND INFRASTRUCTURE DEPLOYMENT

Ex. Ord. No. 13616, June 14, 2012, 77 F.R. 36903, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to facilitate broadband deployment on Federal lands, buildings, and rights of way, federally assisted highways, and tribal and individual Indian trust lands (tribal lands), particularly in underserved communities, it is hereby ordered as follows:

SECTION 1. *Policy.* Broadband access is essential to the Nation’s global competitiveness in the 21st century, driving job creation, promoting innovation, and expanding markets for American businesses. Broadband access also affords public safety agencies the opportunity for greater levels of effectiveness and interoperability. While broadband infrastructure has been deployed in a vast majority of communities across the country, today too many areas still lack adequate access to this crucial resource. For these areas, decisions on access to Federal property and rights of way can be