

- (1) the nature and cost of the closed captions for the programming;
- (2) the impact on the operation of the provider or program owner;
- (3) the financial resources of the provider or program owner; and
- (4) the type of operations of the provider or program owner.

(f) Video descriptions inquiry

Within 6 months after February 8, 1996, the Commission shall commence an inquiry to examine the use of video descriptions on video programming in order to ensure the accessibility of video programming to persons with visual impairments, and report to Congress on its findings. The Commission's report shall assess appropriate methods and schedules for phasing video descriptions into the marketplace, technical and quality standards for video descriptions, a definition of programming for which video descriptions would apply, and other technical and legal issues that the Commission deems appropriate.

(g) Video description

For purposes of this section, "video description" means the insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.

(h) Private rights of actions prohibited

Nothing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder. The Commission shall have exclusive jurisdiction with respect to any complaint under this section.

(June 19, 1934, ch. 652, title VII, §713, as added Pub. L. 104-104, title III, §305, Feb. 8, 1996, 110 Stat. 126.)

PRIOR PROVISIONS

A prior section 613, act June 19, 1934, ch. 652, title VII, §713, as added Nov. 16, 1988, Pub. L. 100-667, title II, §203, 102 Stat. 3958, related to report to Congress on discrimination, prior to repeal by Pub. L. 103-414, title III, §304(a)(18), Oct. 25, 1994, 108 Stat. 4297.

§ 614. Telecommunications Development Fund

(a) Purpose of section

It is the purpose of this section—

- (1) to promote access to capital for small businesses in order to enhance competition in the telecommunications industry;
- (2) to stimulate new technology development, and promote employment and training; and
- (3) to support universal service and promote delivery of telecommunications services to underserved rural and urban areas.

(b) Establishment of Fund

There is hereby established a body corporate to be known as the Telecommunications Development Fund, which shall have succession until dissolved. The Fund shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue and jurisdiction in civil actions, to be a resident and citizen thereof.

(c) Board of Directors

(1) Composition of Board; Chairman

The Fund shall have a Board of Directors which shall consist of 7 persons appointed by the Chairman of the Commission. Four of such directors shall be representative of the private sector and three of such directors shall be representative of the Commission, the Small Business Administration, and the Department of the Treasury, respectively. The Chairman of the Commission shall appoint one of the representatives of the private sector to serve as chairman of the Fund within 30 days after February 8, 1996, in order to facilitate rapid creation and implementation of the Fund. The directors shall include members with experience in a number of the following areas: finance, investment banking, government banking, communications law and administrative practice, and public policy.

(2) Terms of appointed and elected members

The directors shall be eligible to serve for terms of 5 years, except of the initial members, as designated at the time of their appointment—

- (A) 1 shall be eligible to service for a term of 1 year;
- (B) 1 shall be eligible to service for a term of 2 years;
- (C) 1 shall be eligible to service for a term of 3 years;
- (D) 2 shall be eligible to service for a term of 4 years; and
- (E) 2 shall be eligible to service for a term of 5 years (1 of whom shall be the Chairman).

Directors may continue to serve until their successors have been appointed and have qualified.

(3) Meetings and functions of the Board

The Board of Directors shall meet at the call of its Chairman, but at least quarterly. The Board shall determine the general policies which shall govern the operations of the Fund. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the officers of the Fund and shall discharge all such functions, powers, and duties.

(d) Accounts of Fund

The Fund shall maintain its accounts at a financial institution designated for purposes of this section by the Chairman of the Board (after consultation with the Commission and the Secretary of the Treasury). The accounts of the Fund shall consist of—

- (1) interest transferred pursuant to section 309(j)(8)(C) of this title;
- (2) such sums as may be appropriated to the Commission for advances to the Fund;
- (3) any contributions or donations to the Fund that are accepted by the Fund; and
- (4) any repayment of, or other payment made with respect to, loans, equity, or other extensions of credit made from the Fund.

(e) Use of Fund

All moneys deposited into the accounts of the Fund shall be used solely for—

- (1) the making of loans, investments, or other extensions of credits to eligible small businesses in accordance with subsection (f) of this section;
- (2) the provision of financial advice to eligible small businesses;
- (3) expenses for the administration and management of the Fund (including salaries, expenses, and the rental or purchase of office space for the fund);¹
- (4) preparation of research, studies, or financial analyses; and
- (5) other services consistent with the purposes of this section.

(f) Lending and credit operations

Loans or other extensions of credit from the Fund shall be made available to an eligible small business on the basis of—

- (1) the analysis of the business plan of the eligible small business;
- (2) the reasonable availability of collateral to secure the loan or credit extension;
- (3) the extent to which the loan or credit extension promotes the purposes of this section; and
- (4) other lending policies as defined by the Board.

(g) Return of advances

Any advances appropriated pursuant to subsection (d)(2) of this section shall be disbursed upon such terms and conditions (including conditions relating to the time or times of repayment) as are specified in any appropriations Act providing such advances.

(h) General corporate powers

The Fund shall have power—

- (1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;
- (2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;
- (3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;
- (4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;
- (5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated, for the purposes of the Fund;
- (6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Fund;
- (7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;
- (8) to appoint such officers, attorneys, employees, and agents as may be required, to de-

termine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, to make loans and equity investment, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(i) Accounting, auditing, and reporting

The accounts of the Fund shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants. A report of each such audit shall be furnished to the Secretary of the Treasury and the Commission. The representatives of the Secretary and the Commission shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Fund and necessary to facilitate the audit.

(j) Report on audits by Treasury

A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than 6 months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Fund, together with such recommendations with respect thereto as the Secretary may deem advisable.

(k) Definitions

As used in this section:

(1) Eligible small business

The term “eligible small business” means business enterprises engaged in the telecommunications industry that have \$50,000,000 or less in annual revenues, on average over the past 3 years prior to submitting the application under this section.

(2) Fund

The term “Fund” means the Telecommunications Development Fund established pursuant to this section.

(3) Telecommunications industry

The term “telecommunications industry” means communications businesses using regulated or unregulated facilities or services and includes broadcasting, telecommunications, cable, computer, data transmission, software, programming, advanced messaging, and electronics businesses.

(June 19, 1934, ch. 652, title VII, §714, as added Pub. L. 104-104, title VII, §707(b), Feb. 8, 1996, 110 Stat. 154; amended Pub. L. 108-494, title II, §205, Dec. 23, 2004, 118 Stat. 3996.)

AMENDMENTS

2004—Subsec. (f). Pub. L. 108-494 reenacted heading without change and amended text generally. Prior to

¹ So in original. Probably should be “Fund);”.

amendment, text read as follows: “Loans or other extensions of credit from the Fund shall be made available in accordance with the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and any other applicable law to an eligible small business on the basis of—

- “(1) the analysis of the business plan of the eligible small business;
- “(2) the reasonable availability of collateral to secure the loan or credit extension;
- “(3) the extent to which the loan or credit extension promotes the purposes of this section; and
- “(4) other lending policies as defined by the Board.”

§ 615. Support for universal emergency telephone number

The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9-1-1 service. In encouraging and supporting that deployment, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, transportation officials, special 9-1-1 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses). The Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this section shall be construed to authorize or require the Commission to impose obligations or costs on any person.

(Pub. L. 106-81, § 3(b), Oct. 26, 1999, 113 Stat. 1287.)

CODIFICATION

Section was enacted as part of the Wireless Communications and Public Safety Act of 1999, and not as part of the Communications Act of 1934 which comprises this chapter.

FINDINGS AND PURPOSE

Pub. L. 106-81, § 2, Oct. 26, 1999, 113 Stat. 1286, provided that:

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

- “(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, emergency dispatch providers, transportation officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

- “(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire

service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9-1-1 as the number to call in emergencies throughout the Nation;

“(3) emerging technologies can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

“(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

“(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

“(6) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 1999 Amendments note set out under section 609 of this title] is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation’s public safety and other communications needs.”

§ 615a. Parity of protection for provision or use of wireless service

(a) Provider parity

A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(b) User parity

A person using wireless 9-1-1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9-1-1 service that is not wireless.

(c) PSAP parity

In matters related to wireless 9-1-1 communications, a PSAP, and its employees, vendors,