

the Technical Panel shall consider whether—

(I) the activities that the Federal entity will conduct with the payment will—

(aa) increase the probability of relocation from or sharing of Federal spectrum;

(bb) facilitate an auction intended to occur not later than 8 years after the payment; and

(cc) increase the net expected auction proceeds in an amount not less than the time value of the amount of the payment; and

(II) the transfer will leave sufficient amounts in the Fund for the other purposes of the Fund.

(h) Prioritization of payments

In determining whether to make payments under subsections (f) and (g), the Director of OMB shall, to the extent practicable, prioritize payments under subsection (g).

(i) Restriction on use of Funds

No amounts in the Fund on the day before February 22, 2012, may be used for any purpose except—

(1) to pay the relocation or sharing costs incurred by eligible Federal entities in order to relocate from the frequencies the auction of which generated such amounts; or

(2) to pay relocation or sharing costs related to pre-auction estimates or research, in accordance with subsection (d)(3).

(Pub. L. 102-538, title I, §118, as added Pub. L. 108-494, title II, §204, Dec. 23, 2004, 118 Stat. 3994; amended Pub. L. 111-8, div. G, title I, §1301(a), 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; Pub. L. 115-141, div. P, title VI, §§612, 613, Mar. 23, 2018, 132 Stat. 1109.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(3)(B)(i)(II). Pub. L. 115-141, §612, substituted “8 years” for “5 years”.

Subsec. (e)(1)(D), (E). Pub. L. 115-141, §613, added subpars. (D) and (E).

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.”

Statutory Notes and Related Subsidiaries

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 deter-

mination 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 successor 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 maintain 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.