

105TH CONGRESS  
1ST SESSION

# H. R. 1626

To amend the Communications Act of 1934 to require the licensing of certain unused channels for public safety uses.

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IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Ms. HARMAN (for herself and Mr. DIXON) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Communications Act of 1934 to require the licensing of certain unused channels for public safety uses.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PUBLIC SAFETY USE OF UNUSED CHANNELS.**

4 (a) AMENDMENT.—Section 331 of the Communica-  
5 tions Act of 1934 (47 U.S.C. 331) is amended by adding  
6 at the end the following new subsection:

7 “(c) LICENSING OF UNUSED CHANNELS FOR PUBLIC  
8 SAFETY RADIO SERVICES.—With respect to a nonbroad-  
9 cast channel or channels in the 152–159 megahertz VHF  
10 band or the 470–512 megahertz UHF band allocated by

1 the Commission for one or two-way common carrier mobile  
2 or point-to-multipoint common carrier use for which li-  
3 censes have not been issued, it shall be the policy of the  
4 Commission, notwithstanding any other provision of law,  
5 to waive whatever licensee eligibility and other require-  
6 ments are applicable in order to permit the use of such  
7 channels for public safety purposes by a State or local gov-  
8 ernmental agency upon the showing that—

9           “(1) no other existing satisfactory public safety  
10 channel is immediately available to satisfy the re-  
11 quested use;

12           “(2) the proposed use is technically feasible  
13 without causing harmful interference to existing sta-  
14 tions in the frequency band entitled to protection  
15 from such interference under the rules of the Com-  
16 mission; and

17           “(3) use of the channel for public safety pur-  
18 poses is consistent with other existing public safety  
19 channel allocations in the geographic area of pro-  
20 posed use.”.

21           (b) **EFFECTIVE DATE.**—The amendment made by  
22 subsection (a) shall apply to any application that is pend-  
23 ing before the Federal Communications Commission, or  
24 that is not finally determined under either section 402 or

1 405 of the Communications Act of 1934 (47 U.S.C. 402,  
2 405) on May 15, 1997, or that is filed after such date.

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