

108TH CONGRESS
2D SESSION

S. 2645

To amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2004

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Public Broadcasting
5 Reauthorization Act of 2004”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) CORPORATION FOR PUBLIC BROADCASTING.—

8 Section 396(k)(1) of the Communications Act of 1934 (47
9 U.S.C. 396(k)(1)) is amended by striking subparagraphs

10 (B) through (F) and inserting the following:

1 “(B) There is authorized to be appropriated to the
2 Fund, for each of the fiscal years 2007, 2008, 2009, 2010,
3 and 2011, an amount equal to 40 percent of the total
4 amount of non-Federal financial support received by pub-
5 lic broadcasting entities during the second fiscal year pre-
6 ceding each such fiscal year, except that the amount so
7 appropriated shall not exceed—

8 “(i) \$416,000,000 for fiscal year 2007;

9 “(ii) \$432,000,000 for fiscal year 2008;

10 “(iii) \$450,000,000 for fiscal year 2009;

11 “(iv) \$468,000,000 for fiscal year 2010; and

12 “(v) \$487,000,000 for fiscal year 2011.

13 “(C) In addition to any amounts authorized under
14 any other provision of this or any other Act, there are
15 authorized to be appropriated to the Fund, (notwith-
16 standing any other provision of this subsection) specifi-
17 cally for transition from the use of analog to digital tech-
18 nology for the provision of public telecommunications serv-
19 ices and for the acquisition or production of digital pro-
20 gramming of local, regional, and national interest—

21 “(i) \$50,000,000 for fiscal year 2005;

22 “(ii) \$50,000,000 for fiscal year 2006;

23 “(iii) \$40,000,000 for fiscal year 2007;

24 “(iv) \$30,000,000 for fiscal year 2008; and

25 “(v) \$20,000,000 for fiscal year 2009.

1 “(D) Funds appropriated under this subsection shall
2 remain available until expended and shall be disbursed by
3 the Secretary of the Treasury for obligation and expendi-
4 ture as soon after appropriation as practicable. The Cor-
5 poration shall distribute funds authorized by subpara-
6 graph (C) and allocated to public broadcast stations under
7 this subsection as expeditiously as practicable when made
8 available by the Secretary of the Treasury, and in a man-
9 ner that is determined, in consultation with public radio
10 and television licensees or permittees and their designated
11 representatives.”.

12 (b) PUBLIC BROADCASTING INTERCONNECTION SYS-
13 TEM.—Section 396(k)(10) of the Communications Act of
14 1934 (47 U.S.C. 396(k)(10)) is amended by striking sub-
15 paragraphs (B) and (C) and inserting the following:

16 “(B) There are authorized to be appropriated to the
17 Satellite Interconnection Fund \$250,000,000 for fiscal
18 year 2005. If the amount appropriated to the Satellite
19 Interconnection Fund for fiscal year 2005 is less than
20 \$250,000,000, the amount by which that sum exceeds the
21 amount appropriated is authorized to be appropriated for
22 fiscal years 2006 through 2008 until the full
23 \$250,000,000 has been appropriated to the Fund. Funds
24 appropriated to the Satellite Interconnection Fund shall
25 remain available until expended.

1 “(C) The Secretary of the Treasury shall make avail-
2 able and disburse to the Corporation, at the beginning of
3 fiscal year 2005 and of each succeeding fiscal year there-
4 after, such funds as have been appropriated to the Sat-
5 ellite Interconnection Fund for the fiscal year in which
6 such disbursement is to be made.”.

7 (c) PUBLIC TELECOMMUNICATIONS FACILITIES PRO-
8 GRAM GRANTS.—Section 391 of the Communications Act
9 of 1934 (47 U.S.C. 391) is amended—

10 (1) by striking “\$42,000,000 for each of the
11 fiscal years 1992, 1993, and 1994,” and inserting
12 “\$50,000,000 for fiscal year 2005, \$52,000,000 for
13 fiscal year 2006, \$54,008,000 for fiscal year 2007,
14 \$56,240,000 for fiscal year 2008, \$58,490,000 for
15 fiscal year 2009, \$60,820,000 for fiscal year 2010,
16 and \$63,250,000 for fiscal year 2011,”; and

17 (2) by striking “facilities” each place it occurs
18 and inserting “facilities, including analog and digital
19 broadcast facilities and equipment,”.

20 **SEC. 3. RECOUPMENT OF FUNDS BY CORPORATION.**

21 Section 396(k) of the Communications Act of 1934
22 (47 U.S.C. 396(k)) is amended by adding at the end the
23 following:

24 “(13) Funds may not be distributed pursuant
25 to this section to any public broadcast station unless

1 it agrees that, upon request by the Corporation, at
2 such time as it ceases to provide public telecommuni-
3 cations services or transfers or assigns its broadcast
4 license or permit to an entity that will not provide
5 public telecommunications services (as defined in
6 section 397(14) of this Act), it will—

7 “(A) return any or all unexpended funds
8 for all grants made by the Corporation; and

9 “(B) with respect to grants made by the
10 Corporation during the prior 5 years for the
11 purchase or construction of public telecommuni-
12 cations facilities, return an amount that is no
13 more than an amount bearing the same ratio to
14 the current value of such facilities at the time
15 of cessation of public telecommunications serv-
16 ice as the ratio that the Corporation’s contribu-
17 tion bore to the total cost of purchasing or con-
18 structing such facilities.”.

19 **SEC. 4. REDEFINITION OF PUBLIC TELECOMMUNICATIONS**
20 **SERVICES TO INCLUDE NEW TECHNOLOGIES.**

21 (a) **TRANSITION AND PROGRAMMING AUTHORIZA-**
22 **TION.**—Section 396(k)(1)(C) of the Communications Act
23 of 1934 (47 U.S.C. 396(k)(1)(C)), as amended by section
24 2(a) of this Act, is further amended by striking “public

1 broadcasting services,” and inserting “public tele-
2 communications services,”.

3 (b) PUBLIC TELECOMMUNICATIONS SERVICES TO IN-
4 CLUDE NEW TECHNOLOGIES.—Section 397(14) of the
5 Communications Act of 1934 (47 U.S.C 397(14)) is
6 amended to read as follows:

7 “(14) The term ‘public telecommunications services’
8 means noncommercial educational and cultural—

9 (A) radio and television programming or
10 other content; and

11 (B) instructional or informational mate-
12 rial (including data) transmitted electroni-
13 cally.”.

14 **SEC. 5. LOCAL CONTENT, PROGRAMMING, AND SERVICES.**

15 Section 396(k)(7) of the Communications Act of
16 1934 (47 U.S.C. 396(k)(7)) is amended by striking “to
17 the production and acquisition of programming.” and in-
18 serting “to the support of content, programming, and
19 services, especially those that serve the needs and interests
20 of the recipient’s local community.”.

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