

**Calendar No. 816**108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2820**

To ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

SEPTEMBER 21, 2004

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

NOVEMBER 19, 2004

Reported by Mr. McCAIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Spectrum Availability for Emergency-Response and Law-  
 4 Enforcement To Improve Vital Emergency Services Act”  
 5 or the “SAVE LIVES Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

~~Sec. 3. Setting a specific date for the availability of spectrum for public safety organizations and creating a deadline for the transition to digital television.~~

*Sec. 3. Prevention of delay in reassignment of 24 megahertz for public safety purposes.*

Sec. 4. Studies of communications capabilities and needs.

Sec. 5. Statutory authority for the Department of Homeland Security’s “SAFECOM” program.

Sec. 6. Grant program to provide enhanced interoperability of communications for first responders.

Sec. 7. Digital transition public safety communications grant and consumer assistance fund.

Sec. 8. Digital transition program.

Sec. 9. Label requirement for analog television sets.

Sec. 10. Report on consumer education program requirements.

Sec. 11. FCC to issue decision in certain proceedings.

Sec. 12. Definitions.

8 **SEC. 2. FINDINGS.**

9 The Congress finds the following:

10 (1) In its final report, the 9–11 Commission ad-  
 11 vocated that Congress pass legislation providing for  
 12 the expedited and increased assignment of radio  
 13 spectrum for public safety purposes. The 9–11 Com-  
 14 mission stated that this spectrum was necessary to  
 15 improve communications between local, State and  
 16 Federal public safety organizations and public safety

1 organizations operating in neighboring jurisdictions  
2 that may respond to an emergency in unison.

3 (2) Specifically, the 9–11 Commission report  
4 stated “The inability to communicate was a critical  
5 element at the World Trade Center, Pentagon and  
6 Somerset County, Pennsylvania, crash sites, where  
7 multiple agencies and multiple jurisdictions re-  
8 sponded. The occurrence of this problem at three  
9 very different sites is strong evidence that compat-  
10 ible and adequate communications among public  
11 safety organizations at the local, State, and Federal  
12 levels remains an important problem.”.

13 (3) In the Balanced Budget Act of 1997, the  
14 Congress directed the FCC to allocate spectrum cur-  
15 rently being used by television broadcasters to public  
16 safety agencies to use for emergency communica-  
17 tions. This spectrum has specific characteristics that  
18 make it an outstanding choice for emergency com-  
19 munications because signals sent over these fre-  
20 quencies are able to penetrate walls and travel great  
21 distances, and can assist multiple jurisdictions in de-  
22 ploying interoperable communications systems.

23 (4) This spectrum will not be fully available to  
24 public safety agencies until the completion of the  
25 digital television transition. The need for this spec-

1 trum is greater than ever. The nation cannot risk  
2 further loss of life due to public safety agencies' first  
3 responders' inability to communicate effectively in  
4 the event of another terrorist act or other crisis,  
5 such as a hurricane, tornado, flood, or earthquake.

6 (5) In the Balanced Budget Act of 1997, Con-  
7 gress set a date of December 31, 2006, for the ter-  
8 mination of the digital television transition. Under  
9 current law, however, the deadline will be extended  
10 if fewer than 85 percent of the television households  
11 in a market are able to continue receiving local tele-  
12 vision broadcast signals.

13 (6) Federal Communications Commission  
14 Chairman Michael K. Powell testified at a hearing  
15 before the Senate Commerce, Science, and Transpor-  
16 tation Committee on September 8, 2004, that, ab-  
17 sent government action, this extension may allow the  
18 digital television transition to continue for "decades"  
19 or "multiples of decades".

20 (7) The Nation's public safety and welfare can-  
21 not be put off for "decades" or "multiples of dec-  
22 ades". The Federal government should ensure that  
23 this spectrum is available for use by public safety or-  
24 ganizations by January 1, 2009.

1           (8) Any plan to end the digital television transi-  
2           tion would be incomplete if it did not ensure that  
3           consumers would be able to continue to enjoy over-  
4           the-air broadcast television with minimal disruption.  
5           If broadcasters air only a digital signal, some con-  
6           sumers may be unable to view digital transmissions  
7           using their analog-only television set. Local broad-  
8           casters are truly an important part of our homeland  
9           security and often an important communications ve-  
10          hicle in the event of a national emergency. There-  
11          fore, consumers who rely on over-the-air television,  
12          particularly those of limited economic means, should  
13          be assisted.

14          (9) The New America Foundation has testified  
15          before Congress that the cost to assist these 17.4  
16          million exclusively over-the-air households to con-  
17          tinue to view television is less than \$1 billion for  
18          equipment, which equates to roughly 3 percent of  
19          the Federal revenue likely from the auction of the  
20          analog television spectrum.

21          (10) Specifically, the New America Foundation  
22          has estimated that the Federal Government's auc-  
23          tion of this spectrum could yield \$30-to-\$40 billion  
24          in revenue to the Treasury. Chairman Powell stated  
25          at the September 8, 2004, hearing that "estimates

1 of the value of that spectrum run anywhere from \$30  
2 billion to \$70 billion”.

3 (11) Additionally, there will be societal benefits  
4 with the return of the analog broadcast spectrum.  
5 Former FCC Chairman Reed F. Hundt, at an April  
6 28, 2004, hearing before the Senate Commerce,  
7 Science, and Transportation Committee, testified  
8 that this spectrum “should be the fit and proper  
9 home of wireless broadband”. Mr. Hundt continued,  
10 “Quite literally, [with this spectrum] the more mil-  
11 lions of people in rural America will be able to afford  
12 Big Broadband Internet access, the more hundreds  
13 of millions of people in the world will be able to af-  
14 ford joining the Internet community.”.

15 (12) Due to the benefits that would flow to the  
16 Nation’s citizens from the Federal Government re-  
17 claiming this analog television spectrum—including  
18 the safety of our Nation’s first responders and those  
19 protected by first responders, additional revenues to  
20 the Federal treasury, millions of new jobs in the  
21 telecommunications sector of the economy, and in-  
22 creased wireless broadband availability to our Na-  
23 tion’s rural citizens—Congress finds it necessary to  
24 set January 1, 2009, as a firm date for the return  
25 of this analog television spectrum.

1 **SEC. 3. SETTING A SPECIFIC DATE FOR THE AVAILABILITY**  
 2 **OF SPECTRUM FOR PUBLIC SAFETY ORGANI-**  
 3 **ZATIONS AND GRATING A DEADLINE FOR THE**  
 4 **TRANSITION TO DIGITAL TELEVISION.**

5 (a) **IN GENERAL.**—Section 309(j)(14) of the Commu-  
 6 nications Act of 1934 (47 U.S.C. 309(j)(14)) is amend-  
 7 ed—

8 (1) by striking “2006.” in subparagraph (A)  
 9 and inserting “2008.”;

10 (2) by striking subparagraph (B) and redesign-  
 11 ating subparagraphs (C) and (D) as subparagraphs  
 12 (B) and (C);

13 (3) by striking “subparagraph (A) or (B),” in  
 14 subparagraph (B), as redesignated, and inserting  
 15 “subparagraph (A),”; and

16 (4) by striking “subparagraph (C)(i),” in sub-  
 17 paragraph (C), as redesignated, and inserting “sub-  
 18 paragraph (B)(i),”.

19 (b) **CERTAIN COMMERCIAL USE SPECTRUM.**—The  
 20 Commission shall assign the spectrum described in section  
 21 337(a)(2) of the Communications Act of 1934 (47 U.S.C.  
 22 337(a)(2)) allocated for commercial use by competitive  
 23 bidding pursuant to section 309(j) of that Act (47 U.S.C.  
 24 309(j)) no later than 1 year after the Commission trans-  
 25 mits the report required by section 4(a) to the Congress.

1 **SEC. 3. PREVENTION OF DELAY IN REASSIGNMENT OF 24**  
2 **MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.**

3 *Section 309(j)(14) of the Communications Act of 1934*  
4 *(47 U.S.C. 309(j)(14)) is amended by adding at the end*  
5 *the following:*

6 *“(E) EXCEPTION TO 2006 DEADLINE.—*

7 *“(i) Notwithstanding subparagraph*  
8 *(B), the Commission shall not grant any ex-*  
9 *ension under such subparagraph from the*  
10 *limitation of subparagraph (A) with respect*  
11 *to the frequencies assigned, pursuant to sec-*  
12 *tion 337(a)(1), for public safety services.*  
13 *The Commission shall take all actions nec-*  
14 *essary to complete assignment of the electro-*  
15 *magnetic spectrum between 764 and 776*  
16 *megahertz and between 794 and 806 mega-*  
17 *hertz for public safety services and to per-*  
18 *mit operations by public safety services on*  
19 *those frequencies commencing no later than*  
20 *January 1, 2008.*

21 *“(ii) Beginning January 1, 2008, the*  
22 *Commission may modify or reassign the li-*  
23 *censes of licensees assigned to frequencies be-*  
24 *tween 758 and 764 megahertz, 776 and 782*  
25 *megahertz, and 788 and 794 megahertz as*  
26 *necessary to permit operations by public*

1           *safety services on frequencies between 764*  
2           *and 776 megahertz and between 794 and*  
3           *806 megahertz.*

4           “(iii) *The Commission may waive the*  
5           *requirements of clauses (i) and (ii) and*  
6           *such other rules as necessary—*

7                     “(I) *in the absence of a bona fide*  
8                     *request from relevant first responders*  
9                     *in the affected designated market area*  
10                    *(as that term is defined in section*  
11                    *122(j) of title 17, United States Code);*  
12                    *and*

13                    “(II) *to the extent necessary to*  
14                    *avoid consumer disruption while maxi-*  
15                    *mizing the ability of relevant public*  
16                    *safety entities to use frequencies de-*  
17                    *scribed in this subparagraph in the af-*  
18                    *ected designated market area (as so*  
19                    *defined).”.*

20   **SEC. 4. STUDIES OF COMMUNICATIONS CAPABILITIES AND**  
21            **NEEDS.**

22           (a) **IN GENERAL.**—The Commission, in consultation  
23 with the Secretary of Homeland Security, shall conduct  
24 a study to assess strategies that may be used to meet pub-  
25 lic safety communications needs, including—

1           (1) the short-term and long-term need for addi-  
2           tional spectrum allocation for Federal, State, and  
3           local first responders, including an additional alloca-  
4           tion of spectrum in the 700 megaHertz band;

5           (2) the need for a nationwide interoperable  
6           broadband mobile communications network;

7           (3) the ability of public safety entities to utilize  
8           wireless broadband applications; and

9           (4) the communications capabilities of first re-  
10          ceivers such as hospitals and health care workers,  
11          and current efforts to promote communications co-  
12          ordination and training among the first responders  
13          and the first receivers.

14          (b) REALLOCATION STUDY.—The Commission shall  
15          conduct a study to assess the advisability of reallocating  
16          any amount of spectrum in the 700 megaHertz band for  
17          unlicensed broadband uses. In the study, the Commission  
18          shall consider all other possible users of this spectrum, in-  
19          cluding public safety.

20          (c) REPORT.—The Commission shall report the re-  
21          sults of the studies, together with any recommendations  
22          it may have, to the Senate Committee on Commerce,  
23          Science, and Transportation and the House of Represent-  
24          atives Committee on Energy and Commerce within 1 year  
25          after the date of enactment of this Act.

1 **SEC. 5. STATUTORY AUTHORITY FOR THE DEPARTMENT OF**  
2 **HOMELAND SECURITY'S "SAFECOM" PRO-**  
3 **GRAM.**

4 Section 302 of the Homeland Security Act of 2002  
5 (6 U.S.C. 182) is amended—

6 (1) by inserting “(a) IN GENERAL.—” before  
7 “The”; and

8 (2) by adding at the end the following:

9 “(b) SAFECOM AUTHORIZED.—

10 “(1) IN GENERAL.—In carrying out subsection  
11 (a), the Under Secretary shall establish a program  
12 to address the interoperability of communications  
13 devices used by Federal, State, tribal, and local first  
14 responders, to be known as the Wireless Public Safe-  
15 ty Interoperability Communications Program, or  
16 ‘SAFECOM’. The Under Secretary shall coordinate  
17 the program with the Director of the Department of  
18 Justice’s Office of Science and Technology and all  
19 other Federal programs engaging in communications  
20 interoperability research, development, and funding  
21 activities to ensure that the program takes into ac-  
22 count, and does not duplicate, those programs or ac-  
23 tivities.

24 “(2) COMPONENTS.—The program established  
25 under paragraph (1) shall be designed—

1           “(A) to provide research on the develop-  
2           ment of a communications system architecture  
3           that would ensure the interoperability of com-  
4           munications devices among Federal, State, trib-  
5           al, and local officials that would enhance the  
6           potential for a coordinated response to a na-  
7           tional emergency;

8           “(B) to support the completion and pro-  
9           mote the adoption of mutually compatible vol-  
10          untary consensus standards developed by a  
11          standards development organization accredited  
12          by the American National Standards Institute  
13          to ensure such interoperability; and

14          “(C) to provide for the development of a  
15          model strategic plan that could be used by any  
16          State or region in developing its communica-  
17          tions interoperability plan.

18          “(3) AUTHORIZATION OF APPROPRIATIONS.—

19          There are authorized to be appropriated to the Sec-  
20          retary to carry out this subsection—

21                  “(A) \$22,105,000 for fiscal year 2005;

22                  “(B) \$22,768,000 for fiscal year 2006;

23                  “(C) \$23,451,000 for fiscal year 2007;

24                  “(D) \$24,155,000 for fiscal year 2008;

25                  and

1                   “(E) \$24,879,000 for fiscal year 2009.

2           “(c) NATIONAL BASELINE STUDY OF PUBLIC SAFE-  
3 TY COMMUNICATIONS INTEROPERABILITY.—By December  
4 31, 2005, the Under Secretary of Homeland Security for  
5 Science and Technology shall complete a study to develop  
6 a national baseline for communications interoperability  
7 and develop common grant guidance for all Federal grant  
8 programs that provide communications-related resources  
9 or assistance to State and local agencies, any Federal pro-  
10 grams conducting demonstration projects, providing tech-  
11 nical assistance, providing outreach services, providing  
12 standards development assistance, or conducting research  
13 and development with the public safety community with  
14 respect to wireless communications. The Under Secretary  
15 shall transmit a report to the Senate Committee on Com-  
16 merce, Science, and Transportation and the House of Rep-  
17 resentatives Committee on Energy and Commerce con-  
18 taining the Under Secretary’s findings, conclusions, and  
19 recommendations from the study.”.

20 **SEC. 6. GRANT PROGRAM TO PROVIDE ENHANCED INTER-**  
21 **OPERABILITY OF COMMUNICATIONS FOR**  
22 **FIRST RESPONDERS.**

23           (a) IN GENERAL.—The Secretary of Homeland Secu-  
24 rity shall establish a program to help State, local, tribal,  
25 and regional first responders acquire and deploy interoper-

1 able communications equipment, purchase such equip-  
2 ment, and train personnel in the use of such equipment.  
3 The Secretary, in cooperation with the heads of other Fed-  
4 eral departments and agencies who administer programs  
5 that provide communications-related assistance programs  
6 to State, local, and tribal public safety organizations, shall  
7 develop and implement common standards to the greatest  
8 extent practicable.

9 (b) APPLICATIONS.—To be eligible for assistance  
10 under the program, a State, local, tribal, or regional first  
11 responder agency shall submit an application, at such  
12 time, in such form, and containing such information as  
13 the Under Secretary of Homeland Security for Science  
14 and Technology may require, including—

15 (1) a detailed explanation of how assistance re-  
16 ceived under the program would be used to improve  
17 local communications interoperability and ensure  
18 interoperability with other appropriate Federal,  
19 State, local, tribal, and regional agencies in a re-  
20 gional or national emergency;

21 (2) assurance that the equipment and system  
22 would—

23 (A) not be incompatible with the commu-  
24 nications architecture developed under section

1           302(b)(2)(A) of the Homeland Security Act of  
2           2002;

3           (B) would meet any voluntary consensus  
4           standards developed under section 302(b)(2)(B)  
5           of that Act; and

6           (C) be consistent with the common grant  
7           guidance established under section 302(b)(3) of  
8           the Homeland Security Act of 2002.

9           (c) GRANTS.—The Under Secretary shall review ap-  
10          plications submitted under subsection (b). The Secretary,  
11          pursuant to an application approved by the Under Sec-  
12          retary, may make the assistance provided under the pro-  
13          gram available in the form of a single grant for a period  
14          of not more than 3 years.

15       **SEC. 7. DIGITAL TRANSITION PUBLIC SAFETY COMMUNICA-**  
16                               **TIONS GRANT AND CONSUMER ASSISTANCE**  
17                               **FUND.**

18          (a) IN GENERAL.—There is established on the books  
19          of the Treasury a separate fund to be known as the “Dig-  
20          ital Transition Consumer Assistance Fund”, which shall  
21          be administered by the Secretary, in consultation with the  
22          Assistant Secretary of Commerce for Communications and  
23          Information.

24          (b) CREDITING OF RECEIPTS.—The Fund shall be  
25          credited with the amount specified in section 309(j)(8)(D)

1 of the Communications Act of 1934 (47 U.S.C.  
2 309(j)(8)(D)).

3 (c) FUND AVAILABILITY.—

4 (1) APPROPRIATIONS.—

5 (A) CONSUMER ASSISTANCE PROGRAM.—

6 There are appropriated to the Secretary from  
7 the Fund such sums, not to exceed  
8 \$1,000,000,000, as are required to carry out  
9 the program established under section 8 of this  
10 Act.

11 (B) PSO GRANT PROGRAM.—To the extent  
12 that amounts available in the Fund exceed the  
13 amount required to carry out that program,  
14 there are authorized to be appropriated to the  
15 Secretary of Homeland Security, such sums as  
16 are required to carry out the program estab-  
17 lished under section 6 of this Act, not to exceed  
18 an amount, determined by the Director of the  
19 Office of Management and Budget, on the basis  
20 of the findings of the National Baseline Inter-  
21 operability study conducted by the SAFECOM  
22 Office of the Department of Homeland Secu-  
23 rity.

24 (2) REVERSION OF UNUSED FUNDS.—Any auc-  
25 tion proceeds in the Fund that are remaining after

1 the date on which the programs under section 6 and  
2 8 of this Act terminate, as determined by the Sec-  
3 retary of Homeland Security and the Secretary of  
4 Commerce respectively, shall revert to and be depos-  
5 ited in the general fund of the Treasury.

6 (d) DEPOSIT OF AUCTION PROCEEDS.—Paragraph  
7 (8) of section 309(j) of the Communications Act of 1934  
8 (47 U.S.C. 309(j)) is amended—

9 (1) by inserting “or subparagraph (D)” in sub-  
10 subparagraph (A) after “subparagraph (B)”; and

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(D) DISPOSITION OF CASH PROCEEDS  
14 FROM AUCTION OF CHANNELS 52 THROUGH  
15 69.—Cash proceeds attributable to the auction  
16 of any eligible frequencies between 698 and 806  
17 megaHertz on the electromagnetic spectrum  
18 conducted after the date of enactment of the  
19 SAVE LIVES Act shall be deposited in the  
20 Digital Transition Consumer Assistance Fund  
21 established under section 7 of that Act.”.

22 **SEC. 8. DIGITAL TRANSITION PROGRAM.**

23 (a) IN GENERAL.—The Secretary, in consultation  
24 with the Commission and the Director of the Office of

1 Management and Budget, shall establish a program to as-  
2 sist households—

3 (1) in the purchase or other acquisition of dig-  
4 ital-to-analog converter devices that will enable tele-  
5 vision sets that operate only with analog signal proc-  
6 essing to continue to operate when receiving a dig-  
7 ital signal;

8 (2) in the payment of a one-time installation fee  
9 (not in excess of the industry average fee for the  
10 date, locale, and structure involved, as determined  
11 by the Secretary) for installing the equipment re-  
12 quired for residential reception of services provided  
13 by a multichannel video programming distributor (as  
14 defined in section 602(13) of the Communications  
15 Act of 1934 (47 U.S.C. 602(13)); or

16 (3) in the purchase of any other device that will  
17 enable the household to receive over-the-air digital  
18 television broadcast signals, but in an amount not in  
19 excess of the average per-household assistance pro-  
20 vided under paragraphs (1) and (2).

21 (b) PROGRAM CRITERIA.—The Secretary shall ensure  
22 that the program established under subsection (a)—

23 (1) becomes publicly available no later than  
24 January 1, 2008;

1           (2) gives first priority to assisting lower income  
2 households (as determined by the Director of the  
3 Bureau of the Census for statistical reporting pur-  
4 poses) who rely exclusively on over-the-air television  
5 broadcasts;

6           (3) gives second priority to assisting other  
7 households who rely exclusively on over-the-air tele-  
8 vision broadcasts;

9           (4) is technologically neutral; and

10          (5) is conducted at the lowest feasible adminis-  
11 trative cost.

12 **SEC. 9. LABEL REQUIREMENT FOR ANALOG TELEVISION**

13 **SETS.**

14          (a) IN GENERAL.—Section 303 of the Communica-  
15 tions Act of 1934 (47 U.S.C. 303) is amended by adding  
16 at the end the following:

17          “(z) Require that any apparatus described in para-  
18 graph (s) sold or offered for sale in or affecting interstate  
19 commerce after September 30, 2005, that is incapable of  
20 receiving and displaying a digital television broadcast sig-  
21 nal without the use of an external device that translates  
22 digital television broadcast signals into analog television  
23 broadcast signals have affixed to it and, if it is sold or  
24 offered for sale in a container, affixed to that container,  
25 a label that states that the apparatus will be incapable

1 of displaying over-the-air television broadcast signals re-  
2 ceived after December 31, 2008, without the purchase of  
3 additional equipment.”.

4 (b) SHIPMENT PROHIBITED.—Section 330 of the  
5 Communications Act of 1934 (47 U.S.C. 330) is amend-  
6 ed—

7 (1) by redesignating subsection (d) as sub-  
8 section (e); and

9 (2) by inserting after subsection (c) the fol-  
10 lowing:

11 “(d) SHIPMENT OF UNLABELED OBSOLESCECENT TEL-  
12 EVISION SETS.—No person shall ship in interstate com-  
13 merce or manufacture in the United States any apparatus  
14 described in section 303(s) of this Act except in accord-  
15 ance with rules prescribed by the Commission under sec-  
16 tion 303(z) of this Act.”.

17 (c) POINT OF SALE WARNING.—The Commission, in  
18 consultation with the Federal Trade Commission, shall re-  
19 quire the display at, or in close proximity to, any commer-  
20 cial retail sales display of television sets described in sec-  
21 tion 303(z) of the Communications Act of 1934 (47  
22 U.S.C. 303(z)) sold or offered for sale in or affecting  
23 interstate commerce after September 30, 2005, of a print-  
24 ed notice that clearly and conspicuously states that the  
25 sets will be incapable of displaying over-the-air television

1 broadcast signals received after December 31, 2008, with-  
2 out the purchase or lease of additional equipment.

3 **SEC. 10. REPORT ON CONSUMER EDUCATION PROGRAM RE-**  
4 **QUIREMENTS.**

5 Within 1 year after the date of enactment of this Act,  
6 the Assistant Secretary of Commerce for Communications  
7 and Information, after consultation with the Commission,  
8 shall transmit a report to the Senate Committee on Com-  
9 merce, Science, and Transportation and the House of Rep-  
10 resentatives Committee on Energy and Commerce con-  
11 taining recommendations with respect to—

12 (1) an effective program to educate consumers  
13 about the transition to digital television broadcast  
14 signals and the impact of that transition on con-  
15 sumers' choices of equipment to receive such signals;

16 (2) the need, if any, for Federal funding for  
17 such a program;

18 (3) the date of commencement and duration of  
19 such a program; and

20 (4) what department or agency should have the  
21 lead responsibility for conducting such a program.

22 **SEC. 11. FCC TO ISSUE DECISION IN CERTAIN PRO-**  
23 **CEEDINGS.**

24 (a) *IN GENERAL.*—The Commission shall issue a final  
25 decision before—

1           (1) January 1, 2005, in the Matter of Carriage  
2 of Digital Television Broadcast Signals; Amend-  
3 ments to Part 76 of the Commission's Rules, CS  
4 Docket No. 98–120;

5           (2) January 1, 2005, in the Matter of Public  
6 Interest Obligations of TV Broadcast Licensees, MM  
7 Docket No. 99–360; and

8           (3) January 1, 2006, in the Implementation of  
9 the Satellite Home Viewer Improvement Act of  
10 1999; Local Broadcast Signal Carriage Issues, CS  
11 Docket No. 00–96.

12       **(b) MINIMUM QUANTITATIVE LOCALLY ORIGINATED**  
13 *PROGRAMMING GUIDELINES.—In the proceeding described*  
14 *in subsection (a)(2), the Commission shall establish min-*  
15 *imum quantitative guidelines for locally originated pro-*  
16 *gramming, local electoral and public affairs programming,*  
17 *and independently produced programming for television*  
18 *broadcast licensees. In its review of any application for re-*  
19 *newal of a commercial or noncommercial digital television*  
20 *broadcast license, the Commission shall consider the extent*  
21 *to which the applicant or licensee has complied with such*  
22 *guidelines.*

23 **SEC. 12. DEFINITIONS.**

24       In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the Federal Communications Commission.

3           (2) FUND.—The term “Fund” means the Dig-  
4 ital Transition Consumer Assistance Fund estab-  
5 lished by section 7.

6           (3) SECRETARY.—Except where otherwise ex-  
7 pressly provided, the term “Secretary” means the  
8 Secretary of Commerce.

**Calendar No. 816**

108TH CONGRESS  
2D SESSION

**S. 2820**

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**A BILL**

To ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes.

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NOVEMBER 19, 2004

Reported with amendments