

108TH CONGRESS  
1ST SESSION

# S. 564

To facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 2003

Ms. LANDRIEU (for herself, Mr. SUNUNU, Mr. BURNS, Mr. DODD, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUE, Mr. JEFFORDS, Mr. LEAHY, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Mr. KENNEDY, Mr. MILLER, Mr. DORGAN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, 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 “Emergency Commu-  
5 nications and Competition Act of 2003”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are as follows:

1           (1) To facilitate the deployment of new wireless  
2 telecommunications networks in order to extend the  
3 reach of the Emergency Alert System (EAS) to  
4 viewers of multichannel video programming who may  
5 not receive Emergency Alert System warnings from  
6 other communications technologies.

7           (2) To ensure that emergency personnel have  
8 priority access to communications facilities in times  
9 of emergency.

10          (3) To promote the rapid deployment of low  
11 cost multi-channel video programming and  
12 broadband Internet services to the public, without  
13 causing harmful interference to existing tele-  
14 communications services.

15          (4) To ensure the universal carriage of local tel-  
16 evision stations, including any Emergency Alert Sys-  
17 tem warnings, by multichannel video programming  
18 distributors in all markets, regardless of population.

19          (5) To advance the public interest by making  
20 available new high speed data and video services to  
21 unserved and underserved populations, including  
22 schools, libraries, tribal lands, community centers,  
23 senior centers, and low-income housing.

24          (6) To ensure that new technologies capable of  
25 fulfilling the purposes set forth in paragraphs (1)

1 through (5) are licensed and deployed promptly after  
2 such technologies have been determined to be tech-  
3 nologically feasible.

4 **SEC. 3. LICENSING.**

5 (a) GRANT OF CERTAIN LICENSES.—

6 (1) IN GENERAL.—The Federal Communica-  
7 tions Commission shall assign licenses in the 12.2–  
8 12.7 GHz band for the provision of fixed terrestrial  
9 services using the rules, policies, and procedures  
10 used by the Commission to assign licenses in the  
11 12.2–12.7 GHz band for the provision of inter-  
12 national or global satellite communications services  
13 in accordance with section 647 of the Open-market  
14 Reorganization for the Betterment of International  
15 Telecommunications Act (47 U.S.C. 765f).

16 (2) DEADLINE.—The Commission shall accept  
17 for filing and grant licenses under paragraph (1) to  
18 any applicant that is qualified pursuant to sub-  
19 section (b) not later than six months after the date  
20 of the enactment of this Act. The preceding sentence  
21 shall not be construed to preclude the Commission  
22 from granting licenses under paragraph (1) after the  
23 deadline specified in that sentence to applicants that  
24 qualify after that deadline.

25 (b) QUALIFICATIONS.—

1           (1) NON-INTERFERENCE WITH DIRECT BROAD-  
2           CAST SATELLITE SERVICE.—A license may be grant-  
3           ed under this section only if operations under the li-  
4           cense will not cause harmful interference to direct  
5           broadcast satellite service.

6           (2) ACCEPTANCE OF APPLICATIONS.—The  
7           Commission shall accept an application for a license  
8           to operate a fixed terrestrial service in the 12.2–12.7  
9           GHz band if the applicant—

10                   (A) successfully demonstrates the terres-  
11                   trial technology it will employ under the license  
12                   with operational equipment that it furnishes, or  
13                   has furnished, for independent testing pursuant  
14                   to section 1012 of the Launching Our Commu-  
15                   nities’ Access to Local Television Act of 2000  
16                   (47 U.S.C. 1110); and

17                   (B) certifies in its application that it has  
18                   authority to use such terrestrial service tech-  
19                   nology under the license.

20           (3) CLARIFICATION.—Section 1012(a) of the  
21           Launching Our Communities’ Access to Local Tele-  
22           vision Act of 2000 (47 U.S.C. 1110(a); 114 Stat.  
23           2762A–141) is amended by inserting “, or files,”  
24           after “has filed”.

1           (4) PCS OR CELLULAR SERVICES.—A license  
2           granted under this section may not be used for the  
3           provision of Personal Communications Service or  
4           terrestrial cellular telephony service.

5           (c) PROMPT COMMENCEMENT OF SERVICE.—In  
6           order to facilitate and ensure the prompt deployment of  
7           service to unserved and underserved areas and to prevent  
8           stockpiling or warehousing of spectrum by licensees, the  
9           Commission shall require that any licensee under this sec-  
10          tion commence service to consumers within five years of  
11          the grant of the license under this section.

12          (d) EXPANSION OF EMERGENCY ALERT SYSTEM.—  
13          Each licensee under this section shall disseminate Federal,  
14          State, and local Emergency Alert System warnings to all  
15          subscribers of the licensee under the license under this sec-  
16          tion.

17          (e) ACCESS FOR EMERGENCY PERSONNEL.—

18                 (1) REQUIREMENT.—Each licensee under this  
19                 section shall provide immediate access for national  
20                 security and emergency preparedness personnel to  
21                 the terrestrial services covered by the license under  
22                 this section as follows:

23                         (A) Whenever the Emergency Alert System  
24                         is activated.

1           (B) Otherwise at the request of the Sec-  
2           retary of Homeland Security.

3           (2) NATURE OF ACCESS.—Access under para-  
4           graph (1) shall ensure that emergency data is trans-  
5           mitted to the public, or between emergency per-  
6           sonnel, at a higher priority than any other data  
7           transmitted by the service concerned.

8           (f) ADDITIONAL PUBLIC INTEREST OBLIGATIONS.—

9           (1) ADDITIONAL OBLIGATIONS.—Each licensee  
10          under this section shall—

11           (A) adhere to rules governing carriage of  
12          local television station signals and rules con-  
13          cerning obscenity and indecency consistent with  
14          sections 614, 615, 616, 624(d)(2), 639, 640,  
15          and 641 of the Communications Act of 1934  
16          (47 U.S.C. 534, 535, 536, 544(d)(2), 559, 560,  
17          and 561);

18           (B) make its facilities available for can-  
19          didates for public office consistent with sections  
20          312(a)(7) and 315 of the Communications Act  
21          of 1934 (47 U.S.C. 312(a)(7) and 315); and

22           (C) allocate 4 percent of its capacity for  
23          services that promote the public interest, in ad-  
24          dition to the capacity utilized to fulfill the obli-

1 gations required of subparagraphs (A) and (B),  
2 such as—

3 (i) telemedicine;

4 (ii) educational programming, includ-  
5 ing distance learning;

6 (iii) high speed Internet access to  
7 unserved and underserved populations; and

8 (iv) specialized local data and video  
9 services intended to facilitate public par-  
10 ticipation in local government and commu-  
11 nity life.

12 (2) LICENSE BOUNDARIES.—In order to ensure  
13 compliance with paragraph (1), the Commission  
14 shall establish boundaries for licenses under this sec-  
15 tion that conform to existing television markets, as  
16 determined by the Commission for purposes of sec-  
17 tion 652(h)(1)(C)(i) of the Communications Act of  
18 1934 (47 U.S.C. 534(h)(1)(C)(i)).

19 (g) REDESIGNATION OF MULTICHANNEL VIDEO DIS-  
20 TRIBUTION AND DATA SERVICE.—The Commission shall  
21 redesignate the Multichannel Video Distribution and Data  
22 Service (MVDDS) as the Terrestrial Direct Broadcast  
23 Service (TDBS).

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