

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3663

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2008

Referred to the Committee on Energy and Commerce

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## AN ACT

To require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting.

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 “Short-term Analog  
5 Flash and Emergency Readiness Act”.

1 **SEC. 2. COMMISSION ACTION REQUIRED.**

2 (a) PROGRAM REQUIRED.—Notwithstanding any  
3 other provision of law, the Federal Communications Com-  
4 mission shall, not later than January 15, 2009, develop  
5 and implement a program to encourage and permit, to the  
6 extent technically feasible and subject to such limitations  
7 as the Commission finds to be consistent with the public  
8 interest and the requirements of this Act, the broadcasting  
9 in the analog television service of only the public safety  
10 information and digital transition information specified in  
11 subsection (b) during the 30-day period beginning on the  
12 day after the date established by law under section  
13 3002(b) of the Digital Television Transition and Public  
14 Safety Act of 2005 for termination of all licenses for full-  
15 power television stations in the analog television service  
16 and the cessation of broadcasting by full-power stations  
17 in the analog television service.

18 (b) INFORMATION REQUIRED.—The program re-  
19 quired by subsection (a) shall provide for the broadcast  
20 of—

21 (1) emergency information, including critical  
22 details regarding the emergency, as broadcast or re-  
23 quired to be broadcast by full-power stations in the  
24 digital television service;

1           (2) information, in both English and Spanish,  
2           and accessible to persons with disabilities, con-  
3           cerning—

4                   (A) the digital television transition, includ-  
5           ing the fact that a transition has taken place  
6           and that additional action is required to con-  
7           tinue receiving television service, including  
8           emergency notifications; and

9                   (B) the steps required to enable viewers to  
10          receive such emergency information via the dig-  
11          ital television service and to convert to receiving  
12          digital television service, including a phone  
13          number and Internet address by which help  
14          with such transition may be obtained in both  
15          English and Spanish; and

16          (3) such other information related to consumer  
17          education about the digital television transition or  
18          public health and safety or emergencies as the Com-  
19          mission may find to be consistent with the public in-  
20          terest.

21 **SEC. 3. LIMITATIONS.**

22          In designing the program required by this Act, the  
23          Commission shall—

1           (1) take into account market-by-market needs,  
2           based upon factors such as channel and transmitter  
3           availability;

4           (2) ensure that broadcasting of the program  
5           specified in section 2(b) will not cause harmful inter-  
6           ference with signals in the digital television service;

7           (3) not require the analog television service sig-  
8           nals broadcast under this Act to be retransmitted or  
9           otherwise carried pursuant to section 325(b), 338,  
10          339, 340, 614, or 615 of the Communications Act  
11          of 1934 (47 U.S.C. 325(b), 338, 339, 340, 614, or  
12          615);

13          (4) take into consideration broadcasters' digital  
14          power levels and transition and coordination plans  
15          that already have been adopted with respect to cable  
16          systems and satellite carriers' systems;

17          (5) prohibit any broadcast of analog television  
18          service signals under section 2(b) on any spectrum  
19          that is approved or pending approval by the Com-  
20          mission to be used for public safety radio services,  
21          including television channels 14-20; and

22          (6) not include the analog spectrum between  
23          channels 52 and 69, inclusive (between frequencies  
24          698 and 806 megahertz, inclusive) reclaimed from  
25          analog television broadcasting pursuant to section

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

3 **SEC. 4. DEFINITIONS.**

4       As used in this Act, the term “emergency informa-  
5 tion” has the meaning such term has under part 79 of  
6 the regulations of the Federal Communications Commis-  
7 sion (47 C.F.R. part 79).

Passed the Senate November 20, 2008.

Attest:

NANCY ERICKSON,

*Secretary.*