

AMENDMENT NO.

CAL. NO.

[STAFF WORKING DRAFT]

November 18, 2008

Purpose: To provide for the short-term partial extension of analog broadcasting.

IN THE SENATE OF THE UNITED STATES—110TH Cong., 2D Sess.

S. 3663, 110TH Congress, 2D Session

NOVEMBER —, 2008

() Referred to the Committee on _____ and ordered to be printed

() Ordered to lie on the table and to be printed

INTENDED to be proposed by Mr. _____

Viz: Strike out all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Short-term Analog
3 Flash and Emergency Readiness Act”.

4 SEC. 2. COMMISSION ACTION REQUIRED.

5 (a) PROGRAM REQUIRED.—Notwithstanding any
6 other provision of law, the Federal Communications Com-
7 mission shall, not later than January 15, 2009, develop
8 and implement a program to encourage and permit, to the
9 extent technically feasible and subject to such limitations

1 as the Commission finds to be consistent with the public
2 interest and the requirements of this Act, the continued
3 broadcasting in the analog television service of the public
4 safety information and digital transition information spec-
5 ified in subsection (b) during the 30-day period beginning
6 on the day after the date established by law under section
7 3002(b) of the Digital Television Transition and Public
8 Safety Act of 2005 for termination of all licenses for full-
9 power television stations in the analog television service
10 and the cessation of broadcasting by full-power stations
11 in the analog television service.

12 (b) INFORMATION REQUIRED.—The program re-
13 quired by subsection (a) shall provide for the broadcast
14 of—

15 (1) emergency information, including critical
16 details regarding the emergency, as carried or re-
17 quired to be carried by full-power stations in the
18 digital television service;

19 (2) information, in both English and Spanish,
20 and accessible to persons with disabilities, con-
21 cerning—

22 (A) the digital television transition, includ-
23 ing the fact that a transition has taken place
24 and that additional action is required to con-

1 tinue receiving television service, including
2 emergency notifications; and

3 (B) the steps required to enable viewers to
4 receive such emergency information via the dig-
5 ital television service and to convert to receiving
6 digital television service, including a phone
7 number and Internet address by which help
8 with such transition may be obtained in both
9 English and Spanish; and

10 (3) such other information as the Commission
11 may find to be consistent with the public interest.

12 **SEC. 3. LIMITATIONS.**

13 In designing the program required by this Act, the
14 Commission shall—

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

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

21 (3) not require the analog television service sig-
22 nals broadcast under this Act to be retransmitted or
23 otherwise carried pursuant to section 325(b), 338,
24 339, 340, 614, or 615 of the Communications Act

1 of 1934 (47 U.S.C. 325(b), 338, 339, 340, 614, or
2 615);

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

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

12 (6) not include the analog spectrum between
13 channels 52 and 69, inclusive (between frequencies
14 698 and 806 megahertz, inclusive) reclaimed from
15 analog television broadcasting pursuant to section
16 309(j) of the Communications Act of 1934 (47
17 U.S.C. 309(j)).

18 **SEC. 4. DEFINITIONS.**

19 As used in this Act, the terms "emergency informa-
20 tion" and "critical information" have the meanings such
21 terms have under part 79 of the regulations of the Federal
22 Communications Commission (47 C.F.R. part 79).

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