

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.

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. INOUYE, 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

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.

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 television stations, including any Emergency Alert System warnings, by multichannel video programming distributors in all markets, regardless of population.

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.—

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.

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.—

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

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

8 (f) ADDITIONAL PUBLIC INTEREST OBLIGATIONS.—

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-

gations required of subparagraphs (A) and (B),
such as—
(i) telemedicine;
(ii) educational programming, includ-
ing distance learning;
(iii) high speed Internet access to
unserved and underserved populations; and
(iv) specialized local data and video
services intended to facilitate public par-
ticipation in local government and commu-
nity life.

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

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

