

110TH CONGRESS  
1ST SESSION

# S. 2125

To improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2007

Mr. KOHL 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 improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

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 “Preparing America’s Seniors for the Digital Television  
4 Transition of Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. DTV educational partnership to benefit older individuals.
- Sec. 4. Provisions relating to forfeitures.
- Sec. 5. Digital television transition public education outreach and installation assistance grants program.
- Sec. 6. Modification of the digital-to-analog converter box program.
- Sec. 7. Reporting requirements.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) on February 17, 2009, television stations  
10 will cease broadcasting analog signals and tradi-  
11 tional analog televisions will stop working unless  
12 they are connected to a digital-to-analog converter  
13 box, cable, or satellite;

14 (2) a study conducted by the National Associa-  
15 tion of Broadcasters revealed that over half of the  
16 respondents had “seen, read, or heard nothing”  
17 about the transition to digital television, and only 10  
18 percent were able to guess that the transition would  
19 occur in 2009;

20 (3) according to a July 2007 study released by  
21 the Association of Public Television Stations, older  
22 individuals—

1 (A) over the age of 65 are more likely to  
2 be found in over-the-air households and are,  
3 therefore, a much more vulnerable group with  
4 respect to maintaining television service as the  
5 digital transition is completed;

6 (B) as a group, are less likely to have pur-  
7 chased a new television in the past 3 years, are  
8 less likely to have HDTV capabilities in their  
9 households, and are less likely to own a digital  
10 television;

11 (C) will not have the same exposure to dig-  
12 ital television transition messages from elec-  
13 tronic retailers as will younger members of the  
14 population; and

15 (D) will need special focus in efforts to  
16 educate the public with respect to the transition  
17 from analog to digital television;

18 (4) according to a Nielsen Media Research re-  
19 port, approximately 20,000,000 households rely ex-  
20 clusively on analog or free over-the-air broadcasts;

21 (5) of these 20,000,000 households, approxi-  
22 mately 8,000,000 include at least 1 person over the  
23 age of 50, according to the Nielsen Media Research  
24 TV Household Estimates;

1           (6) according to the General Accountability Of-  
2           fice, about 48 percent of over-the-air households  
3           have incomes under \$30,000;

4           (7) frail, homebound, rural, minority, disabled,  
5           limited English proficient, and low-income older in-  
6           dividuals will need specific guidance and assistance  
7           in order to purchase and properly install a digital-  
8           to-analog converter box;

9           (8) without a targeted outreach program resi-  
10          dents in nursing homes and assisted living facilities  
11          represent a segment of the population at risk for los-  
12          ing television service as a result of the digital transi-  
13          tion;

14          (9) failure to seamlessly transition from analog  
15          to digital television will restrict or eliminate the ac-  
16          cess of older individuals to essential preparedness  
17          and safety information in the event of an emergency  
18          or disaster, as such individuals will be unable to re-  
19          ceive national and local alerts aired over television;

20          (10) it is now 6 years after the communication  
21          failures of September 11, 2001, which spurred Fed-  
22          eral Government adoption of a firm digital television  
23          transition date;

24          (11) unfortunately the Department of Com-  
25          merce and the Federal Communications Commission

1 have not adequately assured Congress that vulner-  
2 able households will be properly educated and pre-  
3 pared for such transition; and

4 (12) older individuals, their families, caregivers,  
5 and aging support networks will need targeted out-  
6 reach to inform them of steps to take in order to en-  
7 sure uninterrupted television service and to help  
8 mitigate potential digital television transition scams  
9 that may target the elderly.

10 **SEC. 3. DTV EDUCATIONAL PARTNERSHIP TO BENEFIT**  
11 **OLDER INDIVIDUALS.**

12 Part I of title III of the Communications Act of 1934  
13 (47 U.S.C. 301 et seq.) is amended by adding at the end  
14 the following:

15 **“SEC. 342. FEDERAL INTERAGENCY TASKFORCE TO EDU-**  
16 **CATE OLDER INDIVIDUALS ON THE DTV**  
17 **TRANSITION OF 2009.**

18 “(a) ESTABLISHMENT.—

19 “(1) IN GENERAL.—The Chairman and Com-  
20 missioners of the Federal Communications Commis-  
21 sion shall enter into a partnership with the Adminis-  
22 tration on Aging and the National Telecommuni-  
23 cations and Information Administration, to create a  
24 comprehensive public education campaign that pro-  
25 vides information and assistance to older individuals,

1 their families, caregivers, and aging support net-  
2 works about measures that may be taken—

3 “(A) to ensure that such older individuals  
4 receive uninterrupted television service during  
5 the transition from analog to digital television  
6 that is to occur on February 17, 2009; and

7 “(B) to mitigate the likelihood of success  
8 of fraudulent schemes relating to such transi-  
9 tion that may target such older individuals.

10 “(2) ACCESS TO RESOURCES.—In carrying out  
11 the educational campaign required under paragraph  
12 (1), the federal interagency taskforce established  
13 under such paragraph shall utilize existing resources  
14 and efforts of the Federal, State, and local govern-  
15 ments, industry, and other appropriate entities.

16 “(3) TIMING.—The educational campaign re-  
17 quired under paragraph (1) shall commence not  
18 later than January 1, 2008 or 60 days after the  
19 date of enactment of this section.

20 “(b) ADVISORY BOARD.—

21 “(1) IN GENERAL.—The Commission, the Ad-  
22 ministration on Aging, and the National Tele-  
23 communications and Information Administration  
24 shall establish an advisory board to recommend to  
25 the federal interagency task force established under

1 subsection (a) the type, manner, and content of the  
2 information to be used as part of the educational  
3 campaign required under such subsection.

4 “(2) MEMBERSHIP.—The advisory board estab-  
5 lished under paragraph (1) shall consist of 2 des-  
6 ignees each from the Commission, the Administra-  
7 tion on Aging, and the National Telecommunications  
8 and Information Administration and no more than  
9 30 additional members, which shall include—

10 “(A) representatives from the aging net-  
11 work, as such term is defined in section 102 of  
12 the Older Americans Act of 1965 (42 U.S.C.  
13 3002), such as the National Association of Area  
14 Agencies on Aging, Meals on Wheels Associa-  
15 tion of America, and National Association of  
16 State Units on Aging;

17 “(B) representatives from the entity or en-  
18 tities that the Assistant Secretary for Commu-  
19 nications and Information selects or assigns to  
20 administer the digital-to-analog converter box  
21 program required under section 3005(c)(2)(A)  
22 of the Digital Television Transition and Public  
23 Safety Act of 2005 (Public Law 109–171; 120  
24 Stat. 23);

1           “(C) representatives from the associations  
2 of industry and related stakeholder groups to  
3 include—

4           “(i) commercial and noncommercial  
5 broadcasters;

6           “(ii) manufacturers and retailers of  
7 consumer electronics equipment;

8           “(iii) cable operators; and

9           “(iv) satellite providers;

10          “(D) State, local, and tribal governments,  
11 such as the National Association of Tele-  
12 communications Officers and Advisors and the  
13 National Governors Association;

14          “(E) members from the general public who  
15 have expertise in consumer education and out-  
16 reach;

17          “(F) older individuals;

18          “(G) representatives from—

19           “(i) minority groups, including His-  
20 panic Americans;

21           “(ii) Americans whose primary lan-  
22 guage is not English;

23           “(iii) tribal groups;

24           “(iv) Americans with disabilities;

1                   “(v) Americans living in rural commu-  
2                   nities;

3                   “(vi) nursing homes and assisted liv-  
4                   ing facilities; and

5                   “(vii) consumer protection groups;  
6                   and

7                   “(H) representatives from low-income as-  
8                   sistance program providers.

9                   “(3) APPOINTMENT.—Not later than 30 days  
10                  after the date of enactment of this section, the Com-  
11                  mission, the Administration on Aging, and the Na-  
12                  tional Telecommunications and Information Admin-  
13                  istration shall appoint each member of the advisory  
14                  board.

15                  “(4) CHAIRMAN.—The members of the Advisory  
16                  Board shall elect 1 member to serve as Chairman  
17                  within 30 days after the date of enactment of this  
18                  section, in order to facilitate rapid creation and im-  
19                  plementation of the Advisory Board.

20                  “(c) DUTIES.—

21                  “(1) IN GENERAL.—The Federal interagency  
22                  taskforce established under subsection (a) shall  
23                  carry out a nationwide program with the assistance  
24                  of the advisory board established under subsection  
25                  (b) that includes, at a minimum—

1           “(A) an easily comprehensible explanation  
2 of the digital television transition, including—

3                   “(i) the effective date of such transi-  
4 tion; and

5                   “(ii) who is affected by such transi-  
6 tion;

7           “(B) the public safety and emergency pre-  
8 paredness concerns the transition will address,  
9 such as the Digital Emergency Alert System  
10 and reverse 911, and the potential public safety  
11 hazards to older individuals of not successfully  
12 transitioning to digital television;

13           “(C) instructions to determine whether a  
14 television will receive a digital signal and, if not,  
15 the options to ensure reception of a digital sig-  
16 nal and the related costs;

17           “(D) information related to the digital-to-  
18 analog converter box coupon program, eligible  
19 versus noneligible converter boxes, certified re-  
20 tailers, and important associated deadlines; and

21           “(E) tips on how to avoid potential fraudu-  
22 lent schemes related to the digital television  
23 transition that may target older individuals.

1           “(2) ADDITIONAL DUTIES.—The Federal inter-  
2 agency taskforce established under subsection (a)  
3 shall—

4           “(A) examine ways to simplify the pur-  
5 chasing and installing of a digital-to-analog  
6 converter box for older individuals and take into  
7 consideration the unique needs of frail, home-  
8 bound, minority, disabled, limited English pro-  
9 ficient, rural, and low-income older individuals,  
10 as well as residents of nursing homes and as-  
11 sisted living facilities;

12           “(B) consult with and seek assistance from  
13 the Commission’s Homeland Security and Pub-  
14 lic Safety Bureau;

15           “(C) establish specific and realistic bench-  
16 marks for identifying the estimated reach of the  
17 public education campaign required under this  
18 section to older individuals, their families, care-  
19 givers, and aging support networks;

20           “(D) coordinate with stakeholder to prop-  
21 erly implement the comprehensive education  
22 campaign;

23           “(E) provide, at no cost, to non profit enti-  
24 ties such as entities within the aging network  
25 consumer education materials and technical as-

1           sistance regarding the transition from analog to  
2           digital television that is to occur on February  
3           17, 2009; and

4           “(F) specifically analyze the impact of the  
5           transition from analog to digital television on  
6           the residents of non profit nursing homes and  
7           assisted living facilities.

8           “(d) REPORT.—

9           “(1) INITIAL REPORT.—Not later than 90 days  
10          after the date of enactment of this section, the Com-  
11          missioner, the Assistant Secretary for Aging, and  
12          the Assistant Secretary for Communications and In-  
13          formation shall submit a report to Congress on—

14                 “(A) the ability of the Federal interagency  
15                 taskforce to meet the requirements and duties  
16                 described under subsection (c); and

17                 “(B) that summarizes each agency’s ef-  
18                 forts to increase consumer education and  
19                 awareness about the transition from analog to  
20                 digital television among older individuals, as  
21                 well as that agency’s efforts to coordinate with  
22                 the other Federal and non-Federal members of  
23                 the taskforce and the advisory board.

1           “(2) CONTENT OF REPORT.—The report re-  
2           quired under paragraph (1) shall, at a minimum,  
3           also include the following:

4                   “(A) How the Federal interagency  
5                   taskforce will meet the specific benchmarks es-  
6                   tablished under subsection (c)(2)(C) to ensure  
7                   that older individuals who rely on over-the-air  
8                   broadcasting are not left without television serv-  
9                   ice after February 17, 2009.

10                   “(B) How the Federal interagency  
11                   taskforce will address the unique needs of frail,  
12                   homebound, disabled, minority, rural, limited  
13                   English proficiency and low-income older indi-  
14                   viduals, as well as residents of nursing homes  
15                   and assisted living facilities, all of whom will  
16                   need specific guidance and assistance in order  
17                   to purchase and install a digital-to-analog con-  
18                   verter box through the National Telecommuni-  
19                   cations and Information Administration’s Dig-  
20                   ital-to-Analog Converter Box Coupon Program  
21                   without any undue burden.

22                   “(C) How the Federal interagency  
23                   taskforce will provide guidance and technical  
24                   assistance to the families, caregivers, and aging

1 support networks of these vulnerable older indi-  
2 viduals.

3 “(D) How the Federal interagency  
4 taskforce will mitigate potential scams that may  
5 target the elderly throughout the course of the  
6 National Telecommunications and Information  
7 Administration’s Digital-to-Analog Converter  
8 Box Coupon Program.

9 “(E) How the Federal interagency  
10 taskforce will coordinate between State, local,  
11 and tribal governments and the head of each  
12 Federal agency overseeing a low-income assist-  
13 ance program, such as the Supplemental Secu-  
14 rity Income Program, the Low Income Home  
15 Energy Assistance Program, the Lifeline Assist-  
16 ance, and Link Up America programs, to en-  
17 sure that such programs disseminate informa-  
18 tion about the transition from analog to digital  
19 television to their program recipients.

20 “(F) What resources will be necessary to  
21 provide outreach and assistance at the commu-  
22 nity level and how the taskforce will prioritize  
23 such resources.

24 “(3) FINAL REPORT.—Not later than 3 months  
25 before February 17, 2009, the Commissioner, Assist-

1 ant Secretary for Aging, and the Assistant Secretary  
2 for Communications and Information shall submit a  
3 report to Congress that describes—

4 “(A) the level of outreach and success  
5 achieved by the education campaign required  
6 under subsection (a); and

7 “(B) the necessary remaining steps that  
8 must be taken in order to ensure that older in-  
9 dividuals who rely on over-the-air broadcasting  
10 are not left without television service after Feb-  
11 ruary 17, 2009.

12 “(e) DEFINITION OF OLDER INDIVIDUAL.—For pur-  
13 poses of this section, the term ‘older individual’ means an  
14 individual who is 50 years of age or older.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Federal inter-  
17 agency taskforce established under subsection (a) such  
18 sums as are necessary to carry out the provisions of this  
19 section in addition to—

20 “(1) amounts transferred pursuant to section  
21 344(c)(5) of this Act; and

22 “(2) amounts transferred pursuant to section  
23 503(b)(7) of this Act.

24 “(g) RETURN OF UNEXPENDED FUNDS.—Upon ter-  
25 mination of the Federal interagency taskforce, any unex-

1 pended funds shall be paid back to the original source of  
2 such funds, including to the general accounts of the Fed-  
3 eral Communications Commission held at the Treasury for  
4 any amounts deposited in the fund pursuant to para-  
5 graphs (1) or (2) of subsection (f).

6 **“SEC. 343. ADDITIONAL REQUIREMENTS RELATED TO THE**  
7 **DTV TRANSITION.**

8 “(a) REQUIREMENTS ON BROADCASTERS.—

9 “(1) PSAS.—Beginning on the date of enact-  
10 ment of this section and ending on March 31, 2009,  
11 the Commission shall require each full power com-  
12 mercial television broadcast licensee or permittee to  
13 broadcast during each day between the hours of 6  
14 a.m. and 11 p.m., public service announcements no-  
15 tifying the public, in particular older individuals and  
16 their families, caregivers, and aging support net-  
17 works, of the transition from analog to digital tele-  
18 vision that is to occur after February 17, 2009.

19 “(2) TIME REQUIREMENTS AND TOTAL RUN-  
20 NING TIME.—Based on the overall concentration of  
21 over-the-air households by State and locality, broad-  
22 casters shall air a minimum of 60 seconds of public  
23 service announcements per day at variable time slots  
24 throughout the week, with half airing between 5  
25 p.m. and 11 p.m.

1           “(3) REQUIRED CONTENT.—Any public service  
2 announcement broadcast after January 1, 2008,  
3 shall include—

4                   “(A) information concerning the digital-to-  
5 analog converter box program required under  
6 section 3005 of the Digital Television Transi-  
7 tion and Public Safety Act of 2005 (Public Law  
8 109–171; 120 Stat. 23);

9                   “(B) such additional consumer information  
10 as the Federal interagency taskforce may rec-  
11 ommend based on input from the advisory com-  
12 mittee established under section 342; and

13                   “(C) such additional information as local  
14 broadcasters may determine necessary to appro-  
15 priately educate their viewers about the transi-  
16 tion from analog to digital television.

17           “(4) CONSUMER EDUCATION PLANS.—

18                   “(A) IN GENERAL.—Not later than Janu-  
19 ary 1, 2008, or 30 days after the date of enact-  
20 ment of this Act if this Act is enacted after  
21 such date, each full power commercial television  
22 broadcast licensee or permittee shall have in  
23 place a comprehensive consumer education plan  
24 to inform local viewers about the impending the  
25 transition from analog to digital television

1 based on the overall concentration of over-the-  
2 air households by State and locality.

3 “(B) PROGRAMS.—Programs carried out  
4 under the plan required by subparagraph (A)  
5 may include educational programming, donut  
6 spots, crawls, and speaking events.

7 “(5) PERIODIC REPORTS TO THE FCC.—

8 “(A) COMMERCIAL BROADCASTERS.—Not  
9 later than 90 days after the date of enactment  
10 of this section, and every 90 days thereafter  
11 until March 31, 2009, each commercial tele-  
12 vision broadcast licensee or permittee shall sub-  
13 mit a report to the Commission detailing their  
14 efforts to comply with the requirements of this  
15 subsection.

16 “(B) NON COMMERCIAL BROADCASTERS.—  
17 Not later than June 18, 2008 the Corporation  
18 for Public Broadcasting, as defined in section  
19 397(2) shall submit a report to the Commission  
20 on behalf of television public broadcast sta-  
21 tions—

22 “(i) detailing the activities of the pub-  
23 lic television industry in educating the pub-  
24 lic about the digital transition; and

1                   “(ii) including information relating  
2                   to—

3                   “(I) airtime allocated towards  
4                   consumer education; and

5                   “(II) other outreach efforts.

6                   “(C) PUBLIC AVAILABILITY.—The Com-  
7                   mission shall make any report required under  
8                   subparagraph (A) or (B) available to the public  
9                   on the Internet, without fee or other access  
10                  charge, in a searchable and downloadable man-  
11                  ner.

12                  “(b) REQUIREMENTS ON MVPD.—

13                  “(1) IN GENERAL.—Not later than January 1,  
14                  2008, or 30 days after the date of enactment of this  
15                  Act if this Act is enacted after such date, each mul-  
16                  tichannel video programming distributor (as defined  
17                  in section 602) shall develop a plan to notify sub-  
18                  scribers about the transition from analog to digital  
19                  television that is to occur on February 17, 2009.

20                  “(2) REQUIREMENTS OF PLAN.—The plan re-  
21                  quired under paragraph (1) shall explain—

22                          “(A) what the digital transition is;

23                          “(B) how the transition will affect sub-  
24                  scribers of the multichannel video programming  
25                  distributor; and

1           “(C) such additional information as multi-  
2           channel video programming distributors may  
3           determine necessary to appropriately educate  
4           their viewers about the transition from analog  
5           to digital television.

6           “(c) REQUIREMENTS FOR ELECTRONICS RETAILERS  
7           AND DISTRIBUTORS OF CONVERTER BOXES.—

8           “(1) REQUIREMENTS FOR MANUFACTURERS OF  
9           CONVERTER BOXES.—The manufacturer of any dig-  
10          ital-to-analog converter box that is eligible to be ob-  
11          tained using a redeemable Federal coupon and that  
12          is manufactured in the United States or shipped in  
13          interstate commerce shall—

14                 “(A) place an appropriate label on the re-  
15                 tail packaging of the converter box; and

16                 “(B) maintain a toll-free 1-800 number  
17                 that customers can call to obtain installation  
18                 assistance.

19           “(2) LABEL REQUIREMENT.—For purposes of  
20          paragraph (1), an appropriate label is a label that  
21          meets the following requirements:

22                 “(A) The label is displayed—

23                         “(i) in a clear and conspicuous man-  
24                         ner; and

25                         “(ii) in large and visible font.

1           “(B) The label informs the consumer that  
2           the converter box is fully compliant with all  
3           Federal standards relating to the eligibility of  
4           that converter box to be used with the Federal  
5           coupon program described under section 3005  
6           of the Digital Television Transition and Public  
7           Safety Act of 2005 (Public Law 109–171; 120  
8           Stat. 23). The information required to be in-  
9           cluded on a label under this subparagraph may  
10          be conveyed by affixing the following phrase to  
11          the label: ‘NTIA Coupon-Eligible’.

12          “(3) REQUIREMENTS FOR IN-STORE RETAIL-  
13          ERS.—Each in-store retailer shall place adjacent to  
14          digital-to-analog converter boxes that such retailer  
15          displays for sale or rent, a separate sign that identi-  
16          fies which converter boxes are ‘NTIA Coupon-Eligi-  
17          ble’.

18          “(4) REQUIREMENTS FOR OTHER RETAIL-  
19          ERS.—Any retailer of digital-to-analog converter  
20          boxes that sells such converter boxes via direct mail,  
21          catalog, or electronic means, shall ensure that all ad-  
22          vertisements or descriptions of such converter box  
23          identifies whether or not such converter box is  
24          ‘NTIA Coupon-Eligible’.

25          “(5) PENALTIES.—

1           “(A) IN GENERAL.—The forfeiture pen-  
2           alties established by section 503(b) shall apply  
3           to a violation of any requirement under this  
4           section.

5           “(B) TRANSFER TO FEDERAL INTER-  
6           AGENCY TASKFORCE.—The amount of any for-  
7           feiture penalty determined, imposed, or other-  
8           wise assessed by the Commission for violations  
9           of this section shall be transferred to the ac-  
10          counts of the Federal interagency taskforce es-  
11          tablished pursuant to section 342.

12          “(d) REPORT OF CERTIFIED RETAILERS.—The Na-  
13          tional Telecommunications and Information Administra-  
14          tion shall require—

15               “(1) each retailer certified by the Administra-  
16               tion to participate in the digital-to-analog converter  
17               box coupon program under section 3005 of the Dig-  
18               ital Television Transition and Public Safety Act of  
19               2005 (Public Law 109–171; 120 Stat. 23); and

20               “(2) not later than 30 days after certification,  
21               each such retailer to report to the Administration on  
22               their employee training or consumer information  
23               plans regarding the transition from analog to digital  
24               television that is to occur on February 17, 2009.

25          “(e) REPORT OF OTHER FEDERAL AGENCIES.—

1           “(1) IN GENERAL.—Not later than 90 days  
2 after the date of enactment of this section, the head  
3 of each Federal agency that oversees a low-income  
4 assistance program, as determined by the Federal  
5 interagency taskforce, and including the Supple-  
6 mental Security Income Program, the Low-Income  
7 Home Energy Assistance Program, shall report to  
8 the Commission on how such agency or program will  
9 work with the Federal interagency taskforce estab-  
10 lished under section 342 to ensure coordinated ef-  
11 forts are made to disseminate consumer education  
12 materials developed under such section on the tran-  
13 sition from analog to digital television to eligible pro-  
14 gram participants.

15           “(2) REQUIRED CONTENT.—The report re-  
16 quired under paragraph (1) should affirm each Fed-  
17 eral agency’s commitment to assist with the nation-  
18 wide transition from analog to digital television.

19           “(f) DEFINITION OF OLDER INDIVIDUAL.—For pur-  
20 poses of this section, the term ‘older individual’ means an  
21 individual who is 50 years of age or older.”.

22 **SEC. 4. PROVISIONS RELATING TO FORFEITURES.**

23           (a) IN GENERAL.—Section 503(b) of the Commu-  
24 nications Act of 1934 (47 U.S.C. 503(b)) is amended by  
25 adding at the end the following:

1           “(7) Beginning on the date of enactment of this  
2 paragraph and ending on February 17, 2009, the  
3 amount of any forfeiture penalty determined, im-  
4 posed, or otherwise assessed by the Commission, and  
5 payable into the Treasury of the United States, for  
6 violations of the point of sale disclosure require-  
7 ments for analog-only television equipment as de-  
8 scribed in the Second Periodic Review of the Com-  
9 mission’s Rules and Policies Affecting the Conver-  
10 sion To Digital Television (MB Docket No. 03–15;  
11 RM–9832; adopted April 25, 2007) during such pe-  
12 riod shall be transferred to the accounts of the Fed-  
13 eral interagency taskforce established pursuant to  
14 section 342.”.

15           (b) FUTURE RULEMAKINGS RELATED TO DIGITAL  
16 TELEVISION TRANSITION.—The Federal Communications  
17 Commission shall in any future rulemaking related to the  
18 nationwide transition from analog to digital television that  
19 is to occur on February 17, 2009, ensure that any pro-  
20 posed forfeiture penalty for violation of such rule is trans-  
21 ferred to the accounts of the Federal interagency taskforce  
22 established pursuant to section 343 of the Communica-  
23 tions Act of 1934 (as added under section 3 of this Act).

1 **SEC. 5. DIGITAL TELEVISION TRANSITION PUBLIC EDU-**  
2 **CATION OUTREACH AND INSTALLATION AS-**  
3 **SISTANCE GRANTS PROGRAM.**

4 (a) PROGRAM AUTHORIZED.—

5 (1) GRANTS.—The Federal Communications  
6 Commission shall award grants, on a competitive  
7 basis, to eligible entities to—

8 (A) provide public education outreach  
9 about the digital television transition taking  
10 place on February 17, 2009 to vulnerable popu-  
11 lations particularly at risk for losing television  
12 reception as a result of the digital television  
13 transition; and

14 (B) provide assistance with the purchasing  
15 and installation of digital-to-analog converter  
16 boxes to vulnerable populations particularly at  
17 risk for losing television reception as a result of  
18 the digital television transition.

19 (2) GRANT PERIODS.—The Commission shall  
20 award grants under this section for a period of up  
21 to 3 years.

22 (b) APPLICATION.—

23 (1) IN GENERAL.—To be eligible to receive a  
24 grant under this section, an entity shall submit an  
25 application to the Commission at such time, in such

1 manner, and containing such information as the  
2 Commission may require.

3 (2) ACTION.—The Commission shall take such  
4 action necessary to award grants not later than 90  
5 days after the date of enactment of this section.

6 (c) PREFERENCE.—The Commission shall give pri-  
7 ority in awarding grants under this section to an entity  
8 that—

9 (1) will provide public education outreach and  
10 installation assistance to older individuals and other  
11 vulnerable populations (with particular attention to  
12 individuals with disabilities, individuals with limited  
13 English proficiency, individuals residing in rural  
14 areas, minorities, and low-income communities);

15 (2) has demonstrated experience in providing  
16 outreach and assistance to older individuals and  
17 other vulnerable populations; and

18 (3) can demonstrate the ability and commit-  
19 ment to identifying, after February 17, 2009, the  
20 date of the transition, those households that may  
21 have lost television reception and can aid in rein-  
22 stating television reception for such households.

23 (d) PARTNERSHIPS.—In awarding grants under this  
24 section, the Commission may encourage applicants to  
25 enter into a partnership with 1 or more private entities

1 who may assist with training or providing donated tech-  
2 nologies including digital televisions or digital-to-analog  
3 converter boxes.

4 (e) USE OF FUNDS.—

5 (1) IN GENERAL.—An eligible entity shall use  
6 funds made available under a grant awarded under  
7 this section to—

8 (A) carry out a project described in sub-  
9 section (a); and

10 (B) evaluate the project in accordance with  
11 subsection (h).

12 (2) RELATIONSHIP TO OTHER FUNDING  
13 SOURCES.—Funds made available under this section  
14 shall supplement, and not supplant, any Federal,  
15 State, and local funds expended by a State or unit  
16 of general purpose local government to provide the  
17 services described in subsection (a).

18 (f) ELIGIBLE ENTITIES.—An entity eligible to receive  
19 a grant under subsection (a) shall be—

20 (1) a nonprofit organization, an area agency on  
21 aging or other local government agency, a State unit  
22 on aging or other State government agency, and a  
23 tribal government or organization (including a con-  
24 sortium thereof) that—

1 (A) has the ability to conduct the coordina-  
 2 tion, promotion, and facilitation described in  
 3 subsection (a); and

4 (B) has experience providing outreach and  
 5 assistance targeted at older individuals and  
 6 other vulnerable populations (with particular at-  
 7 tention to individuals with disabilities, individ-  
 8 uals with limited English proficiency, individ-  
 9 uals residing in rural areas, minorities, and low-  
 10 income communities); or

11 (2) any other entity not described in paragraph  
 12 (1) that—

13 (A) the Commission determines to be ap-  
 14 propriate to carry out a project under sub-  
 15 section (a); and

16 (B) demonstrates experience conducting  
 17 public education outreach campaigns and pro-  
 18 viding assistance targeted at older individuals  
 19 and other vulnerable populations.

20 (g) COMPETITIVE GRANTS FOR TECHNICAL ASSIST-  
 21 ANCE.—The Commission may make a grant, on a competi-  
 22 tive basis, to an eligible nonprofit organization, to enable  
 23 the organization to—

24 (1) provide technical assistance to recipients of  
 25 grants under subsection (a); and

1           (2) carry out other duties, as determined by the  
2 Commission.

3 (h) LOCAL EVALUATION AND REPORT.—

4           (1) EVALUATION.—Each entity or consortium  
5 thereof receiving a grant under subsection (a) to  
6 carry out a project described in subsection (a) shall  
7 evaluate the outreach and assistance carried out  
8 under the project to determine—

9           (A) the effectiveness of the outreach and  
10 assistance involved; and

11           (B) the impact of such outreach and as-  
12 sistance on the community being served and the  
13 organization providing the outreach and assist-  
14 ance.

15           (2) REPORT.—The organization shall submit a  
16 report to the Commission containing the evaluation  
17 not later than 3 months after the expiration of the  
18 period for which the grant is in effect.

19           (i) ANNUAL REPORT TO CONGRESS.—Not later than  
20 60 days after the close of fiscal year 2008 and fiscal year  
21 2009, the Commission shall prepare and submit a full and  
22 complete report to Congress on the activities carried out  
23 under this section which shall—

1           (1) summarize the distribution of funds author-  
2           ized for grants under this section and the expendi-  
3           ture of such funds;

4           (2) summarize the scope and content of the  
5           public education outreach campaigns and assistance  
6           carried out under this section; and

7           (3) make recommendations for legislative or ad-  
8           ministrative action, as the Commission determines  
9           appropriate.

10          (j) FINAL REPORT TO CONGRESS.—Not later than  
11          60 days after the close of fiscal year 2010 the Commission  
12          shall prepare and submit a full and complete report to  
13          Congress on the activities carried out under this section  
14          which shall—

15               (1) summarize the distribution of funds author-  
16               ized for grants under this section and the expendi-  
17               ture of such funds;

18               (2) summarize the scope and content of the  
19               public education outreach campaigns and assistance  
20               carried out under this section;

21               (3) summarize findings from the reports con-  
22               taining the evaluations from subsection (h)(2); and

23               (4) make recommendations for legislative or ad-  
24               ministrative action, as the Commission determines  
25               appropriate.

1 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as necessary  
3 to carry out this section for fiscal years 2008, 2009, and  
4 2010.

5 **SEC. 6. MODIFICATION OF THE DIGITAL-TO-ANALOG CON-**  
6 **VERTER BOX PROGRAM.**

7 Section 3005(e) of the Digital Television Transition  
8 and Public Safety Act of 2005 (Public Law 109–171; 120  
9 Stat. 23) is amended—

10 (1) by amending paragraph (1) to read as fol-  
11 lows:

12 “(1) APPLICATIONS.—

13 “(A) PROCUREMENT OF COUPONS.—

14 “(i) SUBMISSION OF APPLICATION.—

15 Not later than December 31, 2007, the As-  
16 sistant Secretary shall by regulation de-  
17 velop and produce a standard application  
18 that each household shall submit to the As-  
19 sistant Secretary between January 1,  
20 2008, and March 31, 2009, inclusive, in  
21 order to obtain a coupon that can be ap-  
22 plied toward the purchase of a digital-to-  
23 analog converter box.

1                   “(ii) REQUIREMENT FOR APPLICA-  
2                   TIONS.—The application developed under  
3                   clause (i) shall—

4                   “(I) be uniform in style and form  
5                   regardless of the medium through  
6                   which it is available, including for  
7                   printed applications, application avail-  
8                   able by e-mail, or available on the  
9                   website of the Assistant Secretary or  
10                  of the Federal Communications Com-  
11                  mission;

12                  “(II) require each household to  
13                  submit—

14                  “(aa) the name, address,  
15                  phone number, and e-mail ad-  
16                  dress of the applicant;

17                  “(bb) the number of coupons  
18                  that the household seeks to ob-  
19                  tain;

20                  “(cc) a certification of  
21                  whether the household receives—

22                  “(AA) only over-the-air  
23                  broadcast programming; or

1                   “(BB) cable or satellite  
2                   service and over-the-air  
3                   broadcast programming;

4                   “(III) inform households about—  
5                   “(aa) the transition from  
6                   analog to digital television, in-  
7                   cluding information on the—

8                   “(AA) digital-to-analog  
9                   converter box coupon pro-  
10                  gram; and

11                  “(BB) important asso-  
12                  ciated deadlines; and

13                  “(bb) the various options  
14                  and alternatives that households  
15                  may utilize to ensure reception of  
16                  a digital signal, including that if  
17                  the household—

18                  “(AA) has an analog  
19                  television set and receives  
20                  only over-the-air broadcast  
21                  programming that a digital-  
22                  to-analog converter box is  
23                  required;

24                  “(BB) has a digital tel-  
25                  evision set and receives only

1 over-the-air broadcast pro-  
2 gramming that a digital-to-  
3 analog converter box is not  
4 required; and

5 “(CC) has either an  
6 analog or digital television  
7 set and receives cable or sat-  
8 ellite service that a digital-  
9 to-analog converter box is  
10 not required.

11 “(iii) SHIPPING OF COUPONS.—The  
12 Assistant Secretary shall ensure that each  
13 household that submits an application for  
14 a coupon under this subparagraph receives  
15 such coupon via the United States Postal  
16 Service.

17 “(iv) DURATION OF COUPONS.—All  
18 coupons shall expire 4 months after  
19 issuance.

20 “(v) RULE OF CONSTRUCTION.—For  
21 purposes of this paragraph, the term  
22 ‘household’ shall include residents of nurs-  
23 ing homes and assisted living facilities.”;

24 (2) by amending paragraph (2) to read as fol-  
25 lows:

1           “(2) DISTRIBUTION OF COUPONS.—

2                   “(A) PRIORITY CONSIDERATION FOR OTA  
3           HOUSEHOLDS.—

4                           “(i) IN GENERAL.—The Assistant  
5                   Secretary shall for the period beginning  
6                   January 1, 2008, and ending March 31,  
7                   2009, distribute coupons only to house-  
8                   holds that have certified on their coupon  
9                   application submitted under paragraph (1)  
10                  that such household receives only over-the-  
11                  air broadcast programming.

12                           “(ii) CAP ON COUPONS.—The total  
13                   maximum value of all the coupons distrib-  
14                   uted under clause (i) shall not exceed  
15                   \$990,000,000.

16                  “(B) OTHER HOUSEHOLDS.—

17                           “(i) IN GENERAL.—The Assistant  
18                   Secretary shall for the period beginning  
19                   July 1, 2008, or the period beginning on  
20                   the date that the total maximum value es-  
21                   tablished under subparagraph (A)(ii) is  
22                   reached, whichever is earlier, and ending  
23                   March 31, 2009, distribute coupons to any  
24                   household that has submitted a coupon ap-  
25                   plication under paragraph (1).

1           “(ii) CAP ON COUPONS.—The total  
2           maximum value of all the coupons distrib-  
3           uted under clause (i) shall not exceed  
4           \$510,000,000.

5           “(C) LIMITATION.—The Assistant Sec-  
6           retary shall ensure that—

7                   “(i) no household that receives only  
8                   over-the-air broadcast programming re-  
9                   ceives more than 2 coupons; and

10                   “(ii) no other household receives more  
11                   than 1 coupon.

12           “(D) REQUIRED DISCLOSURES.—The As-  
13           sistant Secretary shall include along with any  
14           coupon distributed pursuant to this subsection  
15           a list of—

16                   “(i) certified retailers of digital-to-  
17                   analog converter boxes by zip code and  
18                   area code, including each retailer’s phone  
19                   number and address;

20                   “(ii) at least 2 national certified re-  
21                   tailers or mail order companies and the 1-  
22                   800 numbers of such retailers or compa-  
23                   nies so that households may order digital-  
24                   to-analog converter boxes over the phone;  
25                   and

1                   “(iii) digital-to-analog converter boxes  
2                   that are eligible to be purchased with a  
3                   coupon.

4                   “(E) PROHIBITION ON RESALE OF COU-  
5                   PONS.—No person, including any retailer or  
6                   manufacturer, may sell or offer to sell a coupon  
7                   distributed under this section for any monetary  
8                   amount.”.

9   **SEC. 7. REPORTING REQUIREMENTS.**

10           (a) REPORT BY THE NATIONAL TELECOMMUNI-  
11           CATIONS AND INFORMATION ADMINISTRATION.—Not  
12           later than 90 days after the date of enactment of this Act,  
13           and every 90 days thereafter until March 31, 2009, the  
14           National Telecommunications and Information Adminis-  
15           tration shall report to Congress on the following:

16                   (1) CONSUMER EDUCATION EFFORTS.—The ef-  
17                   fectiveness of its outreach efforts to inform the pub-  
18                   lic about the transition from analog to digital tele-  
19                   vision, including a summary of any materials distrib-  
20                   uted, surveys and focus groups conducted, and any  
21                   other efforts targeted at high-risk market segments,  
22                   such as low-income individuals, the elderly, or indi-  
23                   viduals located in rural communities. The ongoing  
24                   efforts and coordination of the Administration with  
25                   industry groups (such as broadcasters, retailers, and

1 manufacturers), other Federal agencies, nonprofit  
2 organizations, and community-based organizations.

3 (2) CONVERTER BOX MANUFACTURING.—With  
4 respect to the digital-to-analog converter box pro-  
5 gram required under section 3005 of the Digital Tel-  
6 vision Transition and Public Safety Act of 2005  
7 (Public Law 109–171; 120 Stat. 23):

8 (A) The participation level of manufactur-  
9 ers in such program.

10 (B) The number of digital-to-analog con-  
11 verter box models manufactured pursuant to  
12 such program.

13 (C) The number of digital-to-analog con-  
14 verter boxes shipped in the prior 90 days.

15 (D) The performance testing results of  
16 each digital-to-analog converter box model man-  
17 ufactured pursuant to such program.

18 (E) The number of digital-to-analog con-  
19 verter boxes in the marketplace that are—

20 (i) compliant with the requirements  
21 under such program; and

22 (ii) noncompliant with the require-  
23 ments under such program.

24 (3) CONVERTER BOX RETAILING.—With respect  
25 to retailers:

1 (A) The compliance rates of retailers with  
2 the labeling requirements under section 344(c)  
3 of the Communications Act of 1934.

4 (B) The supply levels of retailers of digital-  
5 to-analog converter boxes, such levels shall be  
6 categorized on a—

7 (i) State by State level; and

8 (ii) regional level.

9 (C) The price charged by such retailers for  
10 digital-to-analog converter boxes, and the sales  
11 efforts of such retailers with respect to such  
12 boxes.

13 (D) The efforts of retailers on training and  
14 educating their sales force regarding the transi-  
15 tion from analog to digital television.

16 (4) COUPON ADMINISTRATION.—With respect  
17 to the digital-to-analog converter box coupon pro-  
18 gram established under section 3005(c) of the Dig-  
19 ital Television Transition and Public Safety Act of  
20 2005 (Public Law 109–171; 120 Stat. 23):

21 (A) The number of coupons issued, cat-  
22 egorized nationally, by State, and by 5 digit zip  
23 code.

1           (B) The number of coupons redeemed by  
2 households, categorized nationally, by State,  
3 and by 5 digit zip code.

4           (C) The efforts of the Administration and  
5 the Assistant Secretary of Communications and  
6 Information to inform retailers about the cou-  
7 pon program and the process needed to redeem  
8 coupons, categorized by 5 digit zip code.

9           (D) The number of households that have  
10 an analog television set and receive only over-  
11 the-air broadcast programming and that have  
12 submitted an application for a coupon, cat-  
13 egorized nationally, by State, and by 5 digit zip  
14 code.

15          (E) The number of households that have a  
16 digital television set and receive only over-the-  
17 air broadcast programming and that have sub-  
18 mitted an application for a coupon, categorized  
19 nationally, by State, and by 5 digit zip code.

20          (F) The number of households that have  
21 either an analog or digital television set and re-  
22 ceive cable or satellite service and that have  
23 submitted an application for a coupon, cat-  
24 egorized nationally, by State, and by 5 digit zip  
25 code.

1           (G) The efforts of the Administration to  
2 utilize the household demographics collected  
3 under subparagraphs (D), (E), and (F) to de-  
4 termine an appropriate strategy for the dis-  
5 tribution of print applications for coupons, such  
6 as distribution at post-offices, departments of  
7 motor vehicles, and community centers.

8           (H) The average time of redemption of a  
9 coupon, measured from the date of issuance of  
10 the coupon to a household to the date of re-  
11 demption of that coupon at a certified retailer  
12 of digital-to-analog converter boxes.

13           (I) The top 10 retailers, by volume, where  
14 coupons are redeemed.

15           (J) The results of quarterly surveys con-  
16 ducted between January 1, 2008 and March 31,  
17 2009, on consumer satisfaction with the coupon  
18 program, including results related to ease of re-  
19 demption, availability of digital-to-analog con-  
20 verter box, and the certified retailer's knowl-  
21 edge of the impending transition from analog to  
22 digital television.

23           (b) REPORT BY THE FCC.—Not later than 90 days  
24 after the date of enactment of this Act, and every 90 days

1 thereafter until March 31, 2009, the Federal Communica-  
2 tions Commission shall report to Congress on—

3           (1) the effectiveness of its outreach efforts to  
4 inform the public about the transition from analog  
5 to digital television, including a summary of any ma-  
6 terials distributed, surveys and focus groups con-  
7 ducted, and any other efforts targeted at high-risk  
8 market segments, such as low-income individuals,  
9 the elderly, or individuals located in rural commu-  
10 nities;

11           (2) the ongoing efforts and coordination of the  
12 Commission with industry groups (such as broad-  
13 casters, retailers, and manufacturers), other Federal  
14 agencies, States, nonprofit organizations, and com-  
15 munity-based organizations; and

16           (3) the ongoing efforts of the Commission to—

17                   (A) prevent fraud and abuse with respect  
18 to the transition from analog to digital tele-  
19 vision;

20                   (B) educate high-risk market segments,  
21 such as low-income individuals, the elderly, or  
22 individuals located in rural communities, on  
23 how to—

1                   (i) avoid potential fraudulent schemes  
2                   related to the digital television transition;  
3                   and

4                   (ii) identify occurrences of fraud;

5                   (C) prosecute those individuals accused of  
6                   participating in fraudulent schemes related to  
7                   the digital television transition; and

8                   (D) monitor the compliance of retailers  
9                   and manufacturers with the labeling require-  
10                  ments under section 344(c) of the Communica-  
11                  tions Act of 1934.

12           (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13   are authorized to be appropriated to the National Tele-  
14   communications and Information Administration and the  
15   Federal Communications Commission such sums as are  
16   necessary to carry out the provisions of this section.

○