

**[Staff Working Draft]**

OCTOBER 13, 2005

109TH CONGRESS  
1ST SESSION

**S. \_\_\_\_\_**

To expedite the transition to digital television, to enhance emergency communications, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

OCTOBER \_\_\_\_\_, 2005

Mr. \_\_\_\_\_ (for himself, Mr. \_\_\_\_\_, and Mr. \_\_\_\_\_ ) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To expedite the transition to digital television, to enhance emergency communications, and for other purposes.

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Digital Transition and Public Safety Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Analog spectrum recovery; hard deadline.
- Sec. 3. Auction of recovered spectrum.

Sec. 4. Supplemental license fees.

Sec. 5. Digital Transition and Public Safety Fund.

1 **SEC. 2. ANALOG SPECTRUM RECOVERY; HARD DEADLINE.**

2 Section 309(j)(14) of the Communications Act of  
3 1934 (47 U.S.C. 309(j)(14)) is amended—

4 (1) by striking “December 31, 2006.” in sub-  
5 paragraph (A) and inserting “April 7, 2009.”;

6 (2) by striking subparagraph (B);

7 (3) by striking “or (B)” in subparagraph  
8 (C)(i)(I);

9 (4) by striking “(C)(i),” in subparagraph (D)  
10 and inserting “(B)(i),”; and

11 (5) by redesignating subparagraphs (C) and  
12 (D) as subparagraphs (B) and (C), respectively.

13 **SEC. 3. AUCTION OF RECOVERED SPECTRUM.**

14 (a) AUCTION: DATE, APPLICABLE REQUIRE-  
15 MENTS.—Section 309(j)(15)(C) of the Communications  
16 Act of 1934 (47 U.S.C. 309(j)(15)(C)) is amended by add-  
17 ing at the end the following:

18 “(v) ADDITIONAL DEADLINES FOR RE-  
19 COVERED ANALOG SPECTRUM.—Notwith-  
20 standing subparagraph (B), the Commis-  
21 sion shall—

22 “(I) conduct the auction of the li-  
23 censes for recovered analog spectrum  
24 commencing January 28, 2008;

1                   “(II) not later than 60 days after  
2                   the end of the pleading cycle for long-  
3                   form applications for such auction es-  
4                   tablished pursuant to part 1 of title  
5                   47, Code of Federal Regulations,  
6                   grant or deny such long-form applica-  
7                   tions and issue the licenses for such  
8                   recovered analog spectrum to each  
9                   successful bidder whose long-form ap-  
10                  plication is granted; and

11                  “(III) collect and deposit the pro-  
12                  ceeds of such auction in the Digital  
13                  Transition and Public Safety Fund  
14                  established by section 5 of the Digital  
15                  Transition and Public Safety Act of  
16                  2005.

17                  “(vi) RECOVERED ANALOG SPEC-  
18                  TRUM.—For purposes of this subpara-  
19                  graph, the term ‘recovered analog spec-  
20                  trum’ means spectrum reclaimed from the  
21                  analog television service under paragraph  
22                  (14), except—

23                  “(I) spectrum required by section  
24                  337 to be made available for public  
25                  safety services; and

1                   “(II) spectrum auctioned prior to  
2                   the date of enactment of the Digital  
3                   Transition and Public Safety Act of  
4                   2005.”.

5           (b) EXTENSION OF AUCTION AUTHORITY.—Para-  
6 graph (11) of section 309(j) of the Communications Act  
7 of 1934 (47 U.S.C. 309(j)(11)) is amended by striking  
8 “September 30, 2007.” and inserting “September 30,  
9 2009.”.

10 **SEC. 4. SUPPLEMENTAL LICENSE FEES.**

11           In addition to any fees assessed under the Commu-  
12 nications Act of 1934 (47 U.S.C. 151 et seq.), the Com-  
13 mission shall assess extraordinary fees for licenses in the  
14 aggregate amount of \$10,000,000, which shall be depos-  
15 ited in the Treasury during fiscal year 2006 as offsetting  
16 receipts.

17 **SEC. 5. DIGITAL TRANSITION AND PUBLIC SAFETY FUND.**

18           (a) ESTABLISHMENT.—There is established in the  
19 Treasury of the United States a fund called the Digital  
20 Transition and Public Safety Fund (hereafter referred to  
21 in this Act as the “Fund”).

22           (b) DEPOSIT OF AUCTION PROCEEDS.—The Com-  
23 mission shall deposit the proceeds of the auction author-  
24 ized by section 309(j)(15)(C)(v) of the Communications

1 Act of 1934 (47 U.S.C. 309(j)(15)(C)(v)) in the Fund as  
2 required by item (III) of that section.

3 (c) PAYMENTS AUTHORIZED.—The Secretary of  
4 Commerce or the Secretary's designee shall make pay-  
5 ments from the Fund for—

6 (1) a program to assist consumers in the pur-  
7 chase of converter boxes that convert a digital tele-  
8 vision signal to an analog television signal;

9 (2) a program to convert low-power television  
10 stations and television translator stations from ana-  
11 log to digital;

12 (3) a program to facilitate emergency commu-  
13 nications;

14 (4) a program to implement the ENHANCE  
15 911 Act of 2004 (47 U.S.C. 942 note); and

16 (5) a program to provide assistance to coastal  
17 States affected by hurricanes and other natural dis-  
18 asters.

19 (d) TRANSFER OF AMOUNT TO TREASURY.—On Oc-  
20 tober 2, 2009, Secretary shall transfer \$4,800,000,000  
21 from the Fund to the general fund of the Treasury.

22 (e) OBLIGATION TIME PERIOD.—The amounts pay-  
23 able from the Fund under subsection (c) shall be obligated  
24 no later than September 14, 2010.

○