

105TH CONGRESS
1ST SESSION

H. R. 1626

To amend the Communications Act of 1934 to require the licensing of certain unused channels for public safety uses.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Ms. HARMAN (for herself and Mr. DIXON) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require the licensing of certain unused channels for public safety uses.

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. PUBLIC SAFETY USE OF UNUSED CHANNELS.**

4 (a) AMENDMENT.—Section 331 of the Communica-
5 tions Act of 1934 (47 U.S.C. 331) is amended by adding
6 at the end the following new subsection:

7 “(c) LICENSING OF UNUSED CHANNELS FOR PUBLIC
8 SAFETY RADIO SERVICES.—With respect to a nonbroad-
9 cast channel or channels in the 152–159 megahertz VHF
10 band or the 470–512 megahertz UHF band allocated by

1 the Commission for one or two-way common carrier mobile
2 or point-to-multipoint common carrier use for which li-
3 censes have not been issued, it shall be the policy of the
4 Commission, notwithstanding any other provision of law,
5 to waive whatever licensee eligibility and other require-
6 ments are applicable in order to permit the use of such
7 channels for public safety purposes by a State or local gov-
8 ernmental agency upon the showing that—

9 “(1) no other existing satisfactory public safety
10 channel is immediately available to satisfy the re-
11 quested use;

12 “(2) the proposed use is technically feasible
13 without causing harmful interference to existing sta-
14 tions in the frequency band entitled to protection
15 from such interference under the rules of the Com-
16 mission; and

17 “(3) use of the channel for public safety pur-
18 poses is consistent with other existing public safety
19 channel allocations in the geographic area of pro-
20 posed use.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply to any application that is pend-
23 ing before the Federal Communications Commission, or
24 that is not finally determined under either section 402 or

1 405 of the Communications Act of 1934 (47 U.S.C. 402,
2 405) on May 15, 1997, or that is filed after such date.

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