

107TH CONGRESS
1ST SESSION

S. 404

To provide for the technical integrity of the FM radio band, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2001

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the technical integrity of the FM radio band,
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 “Low Power Radio Act
5 of 2001”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to ensure the technical
8 integrity of the FM radio band, while permitting the intro-
9 duction of low power FM transmitters into such band
10 without causing harmful interference.

1 **SEC. 3. HARMFUL INTERFERENCE PROHIBITED.**

2 (a) IN GENERAL.—Any low-power FM radio licensee
3 determined by the Federal Communications Commission
4 to be transmitting a signal causing harmful interference
5 to one or more licensed radio services shall, if so ordered
6 by the Commission, cease the transmission of the inter-
7 fering signal, and may not recommence transmitting such
8 signal until it has taken whatever action the Commission
9 may prescribe in order to assure that the radio licensee
10 that has sustained the interference remains able to serve
11 the public interest, convenience and necessity as required
12 by the Commission's rules.

13 (b) COMPLAINT.—Any radio service licensee or sub-
14 carrier program provider may file a complaint with the
15 Commission against any low-power FM radio licensee for
16 transmitting a signal that is alleged to cause harmful in-
17 terference. The complaint shall be filed in a form, and con-
18 tain such information as, prescribed by the Commission.

19 (c) EXPEDITED CONSIDERATION.—In any complaint
20 filed pursuant to the provisions of subsection (b), the
21 Commission shall render a final decision no later than 90
22 calendar days after the date on which the complaint was
23 received by the Commission.

24 (d) PUNITIVE DAMAGES.—In any final decision ren-
25 dered pursuant to this section, the Commission is author-
26 ized to impose punitive damages not to exceed 5 times the

1 low-power FM station’s costs if the Commission finds that
 2 the complaint was frivolous and without any merit or pur-
 3 pose other than to impede the provision of non-interfering
 4 low-power FM service.

5 (e) SECTION 316(A)(3) OF COMMUNICATIONS ACT.—
 6 Section 316(a)(3) of the Communications Act of 1934 (47
 7 U.S.C. 316(a)(3)) shall not apply to a complaint filed pur-
 8 suant to this section.

9 (f) RULES.—The Commission shall adopt rules im-
 10 plementing the provisions of this section within 45 days
 11 after the date of enactment of this Act.

12 (g) HARMFUL INTERFERENCE DEFINED.—For pur-
 13 poses of this section, the term “harmful interference”
 14 means interference which endangers the functioning of a
 15 radio navigation service or of other safety services or that
 16 seriously degrades, obstructs, or repeatedly interrupts a
 17 radio service operating in accordance with the rules and
 18 regulations of the Federal Communications Commission.

19 (h) REPEAL OF CERTAIN PROVISIONS.—

20 (1) RESTORATION OF COMMUNICATIONS ACT.—
 21 Section 336 of the Communications Act of 1934 (47
 22 U.S.C. 336) is amended by striking subsection (h)
 23 and redesignating subsection (i) as subsection (h).

24 (2) NULLIFICATION OF ACTION UNDER RE-
 25 PEALD PROVISION.—Any action taken by the Fed-

1 eral Communications Commission under section
2 336(h) of the Communications Act of 1934 (47
3 U.S.C. 336(h)) as added by section 143(a) of Divi-
4 sion B of A Bill Making miscellaneous appropria-
5 tions for the fiscal year ending September 30, 2001,
6 and for other purposes (106 Public Law 554; Ap-
7 pendix-H.R. 5666) before the date of enactment of
8 this Act is null and void.

9 (3) REPEAL.—The Act entitled A Bill Making
10 miscellaneous appropriations for the fiscal year end-
11 ing September 30, 2001, and for other purposes
12 (106 Public Law 554; Appendix-H.R. 5666) is
13 amended by striking section 143.

14 **SEC. 4. DIGITAL RADIO TRANSITION.**

15 The Federal Communications Commission shall com-
16 plete all rulemakings necessary to implement the transi-
17 tion to digital radio no later than February 23, 2002.

○