

Calendar No. 786

108TH CONGRESS
2D SESSION**S. 2645****[Report No. 108–396]**

To amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2004

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

OCTOBER 8, 2004

Reported by Mr. MCCAIN, without amendment

A BILL

To amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting, 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 “Public Broadcasting
5 Reauthorization Act of 2004”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) CORPORATION FOR PUBLIC BROADCASTING.—

3 Section 396(k)(1) of the Communications Act of 1934 (47
4 U.S.C. 396(k)(1)) is amended by striking subparagraphs
5 (B) through (F) and inserting the following:

6 “(B) There is authorized to be appropriated to the
7 Fund, for each of the fiscal years 2007, 2008, 2009, 2010,
8 and 2011, an amount equal to 40 percent of the total
9 amount of non-Federal financial support received by pub-
10 lic broadcasting entities during the second fiscal year pre-
11 ceding each such fiscal year, except that the amount so
12 appropriated shall not exceed—

13 “(i) \$416,000,000 for fiscal year 2007;

14 “(ii) \$432,000,000 for fiscal year 2008;

15 “(iii) \$450,000,000 for fiscal year 2009;

16 “(iv) \$468,000,000 for fiscal year 2010; and

17 “(v) \$487,000,000 for fiscal year 2011.

18 “(C) In addition to any amounts authorized under
19 any other provision of this or any other Act, there are
20 authorized to be appropriated to the Fund, (notwith-
21 standing any other provision of this subsection) specifi-
22 cally for transition from the use of analog to digital tech-
23 nology for the provision of public telecommunications serv-
24 ices and for the acquisition or production of digital pro-
25 gramming of local, regional, and national interest—

26 “(i) \$50,000,000 for fiscal year 2005;

1 “(ii) \$50,000,000 for fiscal year 2006;

2 “(iii) \$40,000,000 for fiscal year 2007;

3 “(iv) \$30,000,000 for fiscal year 2008; and

4 “(v) \$20,000,000 for fiscal year 2009.

5 “(D) Funds appropriated under this subsection shall
 6 remain available until expended and shall be disbursed by
 7 the Secretary of the Treasury for obligation and expendi-
 8 ture as soon after appropriation as practicable. The Cor-
 9 poration shall distribute funds authorized by subpara-
 10 graph (C) and allocated to public broadcast stations under
 11 this subsection as expeditiously as practicable when made
 12 available by the Secretary of the Treasury, and in a man-
 13 ner that is determined, in consultation with public radio
 14 and television licensees or permittees and their designated
 15 representatives.”.

16 (b) PUBLIC BROADCASTING INTERCONNECTION SYS-
 17 TEM.—Section 396(k)(10) of the Communications Act of
 18 1934 (47 U.S.C. 396(k)(10)) is amended by striking sub-
 19 paragraphs (B) and (C) and inserting the following:

20 “(B) There are authorized to be appropriated to the
 21 Satellite Interconnection Fund \$250,000,000 for fiscal
 22 year 2005. If the amount appropriated to the Satellite
 23 Interconnection Fund for fiscal year 2005 is less than
 24 \$250,000,000, the amount by which that sum exceeds the
 25 amount appropriated is authorized to be appropriated for

1 fiscal years 2006 through 2008 until the full
 2 \$250,000,000 has been appropriated to the Fund. Funds
 3 appropriated to the Satellite Interconnection Fund shall
 4 remain available until expended.

5 “(C) The Secretary of the Treasury shall make avail-
 6 able and disburse to the Corporation, at the beginning of
 7 fiscal year 2005 and of each succeeding fiscal year there-
 8 after, such funds as have been appropriated to the Sat-
 9 ellite Interconnection Fund for the fiscal year in which
 10 such disbursement is to be made.”.

11 (c) PUBLIC TELECOMMUNICATIONS FACILITIES PRO-
 12 GRAM GRANTS.—Section 391 of the Communications Act
 13 of 1934 (47 U.S.C. 391) is amended—

14 (1) by striking “\$42,000,000 for each of the
 15 fiscal years 1992, 1993, and 1994,” and inserting
 16 “\$50,000,000 for fiscal year 2005, \$52,000,000 for
 17 fiscal year 2006, \$54,008,000 for fiscal year 2007,
 18 \$56,240,000 for fiscal year 2008, \$58,490,000 for
 19 fiscal year 2009, \$60,820,000 for fiscal year 2010,
 20 and \$63,250,000 for fiscal year 2011,”; and

21 (2) by striking “facilities” each place it occurs
 22 and inserting “facilities, including analog and digital
 23 broadcast facilities and equipment,”.

1 **SEC. 3. RECOUPMENT OF FUNDS BY CORPORATION.**

2 Section 396(k) of the Communications Act of 1934
3 (47 U.S.C. 396(k)) is amended by adding at the end the
4 following:

5 “(13) Funds may not be distributed pursuant
6 to this section to any public broadcast station unless
7 it agrees that, upon request by the Corporation, at
8 such time as it ceases to provide public telecommuni-
9 cations services or transfers or assigns its broadcast
10 license or permit to an entity that will not provide
11 public telecommunications services (as defined in
12 section 397(14) of this Act), it will—

13 “(A) return any or all unexpended funds
14 for all grants made by the Corporation; and

15 “(B) with respect to grants made by the
16 Corporation during the prior 5 years for the
17 purchase or construction of public telecommuni-
18 cations facilities, return an amount that is no
19 more than an amount bearing the same ratio to
20 the current value of such facilities at the time
21 of cessation of public telecommunications serv-
22 ice as the ratio that the Corporation’s contribu-
23 tion bore to the total cost of purchasing or con-
24 structing such facilities.”.

1 **SEC. 4. REDEFINITION OF PUBLIC TELECOMMUNICATIONS**
 2 **SERVICES TO INCLUDE NEW TECHNOLOGIES.**

3 (a) TRANSITION AND PROGRAMMING AUTHORIZA-
 4 TION.—Section 396(k)(1)(C) of the Communications Act
 5 of 1934 (47 U.S.C. 396(k)(1)(C)), as amended by section
 6 2(a) of this Act, is further amended by striking “public
 7 broadcasting services,” and inserting “public tele-
 8 communications services,”.

9 (b) PUBLIC TELECOMMUNICATIONS SERVICES TO IN-
 10 CLUDE NEW TECHNOLOGIES.—Section 397(14) of the
 11 Communications Act of 1934 (47 U.S.C 397(14)) is
 12 amended to read as follows:

13 “(14) The term ‘public telecommunications services’
 14 means noncommercial educational and cultural—

15 “(A) radio and television programming or
 16 other content; and

17 “(B) instructional or informational mate-
 18 rial (including data) transmitted electroni-
 19 cally.”.

20 **SEC. 5. LOCAL CONTENT, PROGRAMMING, AND SERVICES.**

21 Section 396(k)(7) of the Communications Act of
 22 1934 (47 U.S.C. 396(k)(7)) is amended by striking “to
 23 the production and acquisition of programming.” and in-
 24 serting “to the support of content, programming, and
 25 services, especially those that serve the needs and interests
 26 of the recipient’s local community.”.

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