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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.

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

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.

○