

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2507

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## AN ACT

To address the digital television transition in border states.

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.**

2 This Act may be cited as the “DTV Border Fix Act  
3 of 2008”.

4 **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG  
5 COMMON BORDER WITH MEXICO.**

6 Section 309(j)(14) of the Communications Act of  
7 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the  
8 end the following:

9 “(D) CONTINUATION OF ANALOG BROAD-  
10 CASTING ALONG COMMON BORDER WITH MEX-  
11 ICO.—

12 “(i) IN GENERAL.—Notwithstanding  
13 any other provision of this section, any tel-  
14 evision station that has been granted a  
15 full-power television broadcast license that  
16 authorizes analog television service prior to  
17 February 17, 2009, that is licensed by the  
18 Commission to serve communities located  
19 within 50 miles of the United States com-  
20 mon border with Mexico, and that can es-  
21 tablish to the satisfaction of the Commis-  
22 sion that such station’s continued broad-  
23 casting of television service in analog is in  
24 the public interest, shall during the period  
25 beginning on the date of enactment of the

1 DTV Border Fix Act of 2008, and ending  
2 February 17, 2013—

3 “(I) be entitled to the renewal of  
4 such station’s television broadcast li-  
5 cense authorizing analog television  
6 service; and

7 “(II) operate such television serv-  
8 ice on a channel between 2 and 51.

9 “(ii) CONDITIONS.—The rights, privi-  
10 leges, and obligations described under  
11 clause (i) shall only be extended if the fol-  
12 lowing requirements are satisfied:

13 “(I) Any channel used for the  
14 distribution of analog television serv-  
15 ice shall not—

16 “(aa) prevent the auction of  
17 recovered spectrum pursuant to  
18 paragraph (15);

19 “(bb) prevent the use of re-  
20 covered spectrum for any public  
21 safety service pursuant to section  
22 337(a)(1);

23 “(cc) encumber or interfere  
24 with any channel reserved for  
25 public safety use, as such chan-

1 nels are designated in ET Docket  
2 No. 97–157; and

3 “(dd) prevent the Commis-  
4 sion from considering or granting  
5 a request for waiver submitted  
6 for public safety service prior to  
7 the date of enactment of the  
8 DTV Border Fix Act of 2008.

9 “(II) Each station described in  
10 clause (i) operates on its assigned  
11 analog channel, as of February 16,  
12 2009, if such channel—

13 “(aa) is between 2 and 51;

14 “(bb) has not previously  
15 been assigned to such station or  
16 any another station for digital  
17 operation after the digital transi-  
18 tion required under subparagraph  
19 (A); and

20 “(cc) could be used by such  
21 station for broadcasting analog  
22 television service after the digital  
23 transition required under sub-  
24 paragraph (A) without causing  
25 interference to any previously au-

1           thorized digital television sta-  
2           tions.

3           “(III) If such station does not  
4           meet the requirements under sub-  
5           clause (II) for operation on its as-  
6           signed analog channel, as of February  
7           16, 2009, such station may request,  
8           and the Commission shall promptly  
9           act upon such request, to be assigned  
10          a new channel for broadcasting analog  
11          television service, provided that such  
12          newly requested channel shall—

13                   “(aa) be between channels 2  
14                   and 51; and

15                   “(bb) allow such station to  
16                   operate on a primary basis with-  
17                   out causing interference to—

18                           “(AA) any other analog  
19                           or digital television station;  
20                           or

21                           “(BB) any station li-  
22                           censed to operate in any  
23                           other radio service that also  
24                           operates on channels be-  
25                           tween 2 and 51.

1                   “(iii) MUTUALLY EXCLUSIVE APPLICA-  
2                   TIONS.—If mutually exclusive applications  
3                   are submitted for the right to use a chan-  
4                   nel in order to broadcast analog television  
5                   service pursuant to this subparagraph, the  
6                   Commission shall—

7                                 “(I) award the authority to use  
8                                 such channel for such purpose  
9                                 through the application of the proce-  
10                                dures established under this section;  
11                                and

12                               “(II) give due consideration to  
13                                any resolution procedures established  
14                                by the Commission.

15                               “(E) LIMITATION ON EXTENSION OF CER-  
16                                TAIN LICENSES.—The commission shall not ex-  
17                                tend or renew a full-power television broadcast  
18                                license that authorizes analog television service  
19                                on or after February 17, 2013.”.

Passed the Senate August 1, 2008.

Attest:

*Secretary.*

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