

110TH CONGRESS
2D SESSION

S. 2507

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2008

Referred to the Committee on Energy and Commerce

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.

