

111TH CONGRESS
1ST SESSION

H. R. 681

To amend the Digital Television Transition and Public Safety Act of 2005 and the Communications Act of 1934 to establish a new digital television transition date, to improve the digital-to-analog converter box program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2009

Mr. WAXMAN (for himself, Ms. BALDWIN, Mr. BUTTERFIELD, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. DOYLE, Ms. ESHOO, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. HILL, Mr. MARKEY of Massachusetts, Mr. RUSH, Ms. SCHAKOWSKY, Mr. MCNERNEY, Ms. CASTOR of Florida, Mr. PALLONE, Mr. SARBANES, Mr. MATHESON, Mr. GRAYSON, Mr. RANGEL, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Digital Television Transition and Public Safety Act of 2005 and the Communications Act of 1934 to establish a new digital television transition date, to improve the digital-to-analog converter box program, and for other purposes.

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the “Digital Television
3 Transition Extension Act of 2009”.

1 **SEC. 2. EXTENSION OF DTV TRANSITION DEADLINE.**

2 (a) AMENDMENTS TO COMMUNICATIONS ACT OF
3 1934.—

4 (1) SECTION 309.—Section 309(j)(14)(A) of the
5 Communications Act of 1934 (47 U.S.C.
6 309(j)(14)(A)) is amended by striking “February
7 17, 2009” and inserting “June 12, 2009”.

8 (2) SECTION 337.—Section 337(e)(1) of the
9 Communications Act of 1934 (47 U.S.C. 337(e)(1))
10 is amended by striking “February 17, 2009” and in-
11 sserting “June 12, 2009”.

12 (b) AMENDMENTS TO DIGITAL TELEVISION TRANSI-
13 TION AND PUBLIC SAFETY ACT OF 2005.—

14 (1) SECTION 3002.—Section 3002(b) of the Dig-
15 ital Television Transition and Public Safety Act of
16 2005 is amended by striking “February 18” each
17 place it appears and inserting “June 13”.

18 (2) SECTION 3005.—Section 3005(c)(1) of such
19 Act is amended by striking “March 31, 2009” and
20 inserting “July 31, 2009”.

21 (3) SECTION 3008.—Section 3008(a)(1) of such
22 Act is amended by striking “February 17, 2009”
23 and inserting “June 12, 2009”.

24 (c) LICENSE TERMS.—

25 (1) EXTENSION.—The Federal Communications
26 Commission shall extend the terms of the licenses

1 for the recovered spectrum, including the license pe-
2 riod and construction requirements associated with
3 those licenses, for a 116-day period.

4 (2) DEFINITION.—For purposes of this sub-
5 section, the term “recovered spectrum” means—

6 (A) the recovered analog spectrum, as such
7 term is defined in section 309(j)(15)(C)(vi) of
8 the Communications Act of 1934; and

9 (B) the spectrum excluded from the defini-
10 tion of recovered analog spectrum by subclauses
11 (I) and (II) of such section.

12 **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-**
13 **VERTER BOX PROGRAM.**

14 (a) TREATMENT OF EXPIRED COUPONS.—

15 (1) IN GENERAL.—Section 3005(c)(1) of the
16 Digital Television Transition and Public Safety Act
17 of 2005 is amended by adding at the end the fol-
18 lowing new subparagraph:

19 “(D) EXPIRED COUPONS.—The Assistant
20 Secretary shall issue to a household, upon re-
21 quest by the household, one replacement coupon
22 for each coupon that was issued to such house-
23 hold and that expired without being re-
24 deemed.”.

1 (2) CONFORMING AMENDMENT.—Section
2 3005(e)(1)(A) of the Digital Television Transition
3 and Public Safety Act of 2005 is amended by strik-
4 ing “receives” and inserting “redeems”.

5 (b) EXPEDITING DELIVERY.—

6 (1) FIRST CLASS MAIL.—Within 7 days after
7 the date of enactment of this Act, the Assistant Sec-
8 retary for Communications and Information of the
9 Department of Commerce shall expedite the distribu-
10 tion of coupons issued under section 3005 of the
11 Digital Television Transition and Public Safety Act
12 of 2005 by directing that, if coupons are delivered
13 via the United States Postal Service, such coupons
14 shall be delivered via pre-sorted first class mail serv-
15 ice.

16 (2) CONFORMING AMENDMENT.—Section
17 3005(e)(1)(A) of the Digital Television Transition
18 and Public Safety Act of 2005 is further amended
19 by striking “, via the United States Postal Service,”.

20 (c) CONDITION OF MODIFICATIONS.—The amend-
21 ments made by this section shall not take effect until the
22 enactment of new budget authority to carry out the ana-
23 log-to-digital converter box program under section 3005
24 of the Digital Television Transition and Public Safety Act
25 of 2005.

1 **SEC. 4. IMPLEMENTATION.**

2 (a) **PERMISSIVE EARLY TERMINATION UNDER EX-**
3 **ISTING REQUIREMENTS.**—Nothing in this Act is intended
4 to prevent a licensee of a television broadcast station
5 from terminating the broadcasting of such station’s analog
6 television signal (and continuing to broadcast exclusively
7 in the digital television service) prior to the date estab-
8 lished by law under section 3002(b) of the Digital Tele-
9 vision Transition and Public Safety Act of 2005 for termi-
10 nation of all licenses for full-power television stations in
11 the analog television service (as amended by section 2 of
12 this Act) so long as such prior termination is conducted
13 in accordance with the Federal Communications Commis-
14 sion’s requirements in effect on the date of enactment of
15 this Act, including the flexible procedures established in
16 the Matter of Third Periodic Review of the Commission’s
17 Rules and Policies Affecting the Conversion to Digital Tel-
18 evision (FCC 07–228, MB Docket No. 07–91, released
19 December 31, 2007).

20 (b) **PUBLIC SAFETY RADIO SERVICES.**—

21 (1) **USE ON CLEARED SPECTRUM.**—Notwith-
22 standing the amendments made by section 2, if—

23 (A) a television broadcast station ceases
24 the broadcasting of such station’s analog tele-
25 vision service under subsection (a) of this sec-
26 tion prior to June 12, 2009, and

1 (B) as a consequence of such cessation,
2 spectrum between frequencies 768 and 776
3 megahertz, inclusive, and 798 and 806 mega-
4 hertz, inclusive, becomes available for non-tele-
5 vision broadcast use prior to June 12, 2009,
6 the Federal Communications Commission shall per-
7 mit the use of such spectrum for authorized public
8 safety radio services if the Commission determines
9 that such use is in the public interest and does not
10 cause harmful interference to full-power television
11 stations in the analog or digital television service.

12 (2) EXPEDITED PROCEDURES.—The Federal
13 Communications Commission is authorized to use
14 expedited procedures, and to waive such rules as
15 may be necessary, to make a determination on an
16 application made under paragraph (1) to begin such
17 use of such spectrum by a public safety agency (as
18 such term is defined in section 3006(d)(1) of the
19 Digital Television Transition and Public Safety Act
20 of 2005) in not less than 2 weeks after the date of
21 submission of such application.

22 (c) EXPEDITED RULEMAKING.—Notwithstanding
23 any other provision of law, the Federal Communications
24 Commission and the National Telecommunications and
25 Information Administration shall, not later than 30 days

1 after the date of enactment of this Act, each adopt or re-
2 vise its rules, regulations, or orders or take such other ac-
3 tions as may be necessary or appropriate to implement the
4 provisions, and carry out the purposes, of this Act and
5 the amendments made by this Act.

6 **SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.**

7 Section 309(j)(11) of the Communications Act of
8 1934 (47 U.S.C. 309(j)(11)) is amended by striking
9 “2011” and inserting “2012”.

10 **SEC. 6. REPORTS.**

11 (a) MONTHLY REPORTING REQUIREMENT.—Begin-
12 ning one month after enactment of this Act and ending
13 on October 31, 2009, the Assistant Secretary shall trans-
14 mit to the Committee on Energy and Commerce of the
15 House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a
17 monthly report detailing—

18 (1) the number of unredeemed and unexpired
19 coupons still held by consumers;

20 (2) the number of replacement coupons the Na-
21 tional Telecommunications and Information Admin-
22 istration has issued for expired coupons pursuant to
23 section 3005(c)(1) of the Digital Television Transi-
24 tion and Public Safety Act of 2005, as amended by
25 section 3(a) of this Act, during the 30 days prior to

1 the monthly reporting date required by this sub-
2 section;

3 (3) the approximate number of analog-to-digital
4 converter boxes available for purchase by consumers;

5 (4) the number of new and replacement cou-
6 pons issued by the National Telecommunications
7 and Information Administration via postal mail and
8 other delivery methods, including electronic mail;
9 and

10 (5) the remaining amount of funds available to
11 the National Telecommunications and Information
12 Administration to carry out section 3005 of the Dig-
13 ital Television Transition and Public Safety Act of
14 2005, as amended by this Act and any other Act.

15 (b) REPORT ABOUT RURAL AREAS.—

16 (1) IN GENERAL.—Not later than December 30,
17 2009, the Federal Communications Commission
18 shall transmit to the Committee on Energy and
19 Commerce of the House of Representatives and the
20 Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report about the effect of the
22 digital television transition on consumers in rural
23 areas in the United States.

1 (2) SPECIFIC REQUIREMENTS.—The report re-
2 quired under paragraph (1) shall include informa-
3 tion on the following:

4 (A) Whether rural areas experienced dis-
5 proportionately more service disruptions than
6 urban and suburban areas.

7 (B) Whether gaps in over-the-air broadcast
8 coverage exist for rural consumers due to the
9 shorter range for digital signals, as compared to
10 analog signals.

11 (C) Recommendations for rectifying signifi-
12 cant problems that have arisen in rural areas in
13 the United States as a result of the digital tele-
14 vision transition.

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