

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 328

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## AN ACT

To postpone the DTV transition date.

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 Delay Act”.

3 **SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.**

4 (a) **IN GENERAL.**—Section 3002(b) of the Digital  
5 Television Transition and Public Safety Act of 2005 (47  
6 U.S.C. 309 note) is amended—

7 (1) by striking “February 18, 2009;” in para-  
8 graph (1) and inserting “June 13, 2009;”; and

9 (2) by striking “February 18, 2009,” in para-  
10 graph (2) and inserting “that date”.

11 (b) **EXTENSION OF COUPON PROGRAM.**—Section  
12 3005(c)(1)(A) of that Act (47 U.S.C. 309 note) is amend-  
13 ed by striking “March 31, 2009,” and inserting “July 31,  
14 2009,”.

15 (c) **CONFORMING AMENDMENTS.**—

16 (1) Section 3008(a)(1) of that Act (47 U.S.C.  
17 309 note) is amended by striking “February 17,  
18 2009.” and inserting “June 12, 2009.”.

19 (2) Section 309(j)(14)(A) of the Communica-  
20 tions Act of 1934 (47 U.S.C. 309(j)(14)(A)) is  
21 amended by striking “February 17, 2009.” and in-  
22 serting “June 12, 2009.”.

23 (3) Section 337(e)(1) of the Communications  
24 Act of 1934 (47 U.S.C. 337(e)(1)) is amended by  
25 striking “February 17, 2009,” and inserting “June  
26 12, 2009,”.

1 (d) LICENSE TERMS.—

2 (1) EXTENSION.—The Federal Communications  
3 Commission shall extend the terms of the licenses  
4 for the recovered spectrum, including the license pe-  
5 riod and construction requirements associated with  
6 those licenses, for a 116-day period.

7 (2) DEFINITION.—In this subsection, the term  
8 “recovered spectrum” means—

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

12 (B) the spectrum excluded from the defini-  
13 tion of recovered analog spectrum by subclauses  
14 (I) and (II) of such section.

15 **SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-**  
16 **VERTER BOX PROGRAM.**

17 (a) TREATMENT OF EXPIRED COUPONS.—Section  
18 3005(c)(1) of the Digital Television Transition and Public  
19 Safety Act of 2005 (47 U.S.C. 309 note) is amended by  
20 adding at the end the following:

21 “(D) EXPIRED COUPONS.—The Assistant  
22 Secretary may issue to a household, upon re-  
23 quest by the household, one replacement coupon  
24 for each coupon that was issued to such house-

1 hold and that expired without being re-  
2 deemed.”.

3 (b) CONFORMING AMENDMENT.—Section  
4 3005(c)(1)(A) of the Digital Television Transition and  
5 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
6 ed by striking “receives, via the United States Postal Serv-  
7 ice,” and inserting “redeems”.

8 **SEC. 4. IMPLEMENTATION.**

9 (a) PERMISSIVE EARLY TERMINATION UNDER EX-  
10 ISTING REQUIREMENTS.—Nothing in this Act is intended  
11 to prevent a licensee of a television broadcast station from  
12 terminating the broadcasting of such station’s analog tele-  
13 vision signal (and continuing to broadcast exclusively in  
14 the digital television service) prior to the date established  
15 by law under section 3002(b) of the Digital Television  
16 Transition and Public Safety Act of 2005 for termination  
17 of all licenses for full-power television stations in the ana-  
18 log television service (as amended by section 2 of this Act)  
19 so long as such prior termination is conducted in accord-  
20 ance with the Federal Communications Commission’s re-  
21 quirements in effect on the date of enactment of this Act,  
22 including the flexible procedures established in the Matter  
23 of Third Periodic Review of the Commission’s Rules and  
24 Policies Affecting the Conversion to Digital Television

1 (FCC 07–228, MB Docket No. 07–91, released December  
2 31, 2007).

3 (b) PUBLIC SAFETY RADIO SERVICES.—

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

6 (A) a television broadcast station ceases  
7 the broadcasting of such station’s analog tele-  
8 vision service under subsection (a) of this sec-  
9 tion prior to June 12, 2009, and

10 (B) as a consequence of such cessation,  
11 spectrum between frequencies 768 and 776  
12 megahertz, inclusive, and 798 and 806 mega-  
13 hertz, inclusive, becomes available for non-tele-  
14 vision broadcast use prior to June 12, 2009,  
15 the Federal Communications Commission shall  
16 permit the use of such spectrum for authorized  
17 public safety radio services if the Commission  
18 determines that such use is in the public inter-  
19 est and does not cause harmful interference to  
20 full-power television stations in the analog or  
21 digital television service.

22 (2) EXPEDITED PROCEDURES.—The Federal  
23 Communications Commission may use expedited pro-  
24 cedures, and may waive such rules as may be nec-  
25 essary, to make a determination on an application

1       made under paragraph (1) to begin such use of such  
2       spectrum by a public safety agency (as such term is  
3       defined in section 3006(d)(1) of the Digital Tele-  
4       vision Transition and Public Safety Act of 2005) in  
5       not less than 2 weeks after the date of submission  
6       of such application.

7       (c) **EXPEDITED RULEMAKING.**—Notwithstanding  
8       any other provision of law, the Federal Communications  
9       Commission and the National Telecommunications Infor-  
10      mation Administration shall, not later than 30 days after  
11      the date of enactment of this Act, each adopt or revise  
12      its rules, regulations, or orders or take such other actions  
13      as may be necessary or appropriate to implement the pro-  
14      visions, and carry out the purposes, of this Act and the  
15      amendments made by this Act.

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

17      Section 309(j)(11) of the Communications Act of  
18      1934 (47 U.S.C. 309(j)(11)) is amended by striking  
19      “2011.” and inserting “2012.”.

20      **SEC. 6. EMERGENCY DESIGNATION.**

21      Each amount made available under section 3005 of  
22      the Digital Television Transition and Public Safety Act  
23      of 2005 (47 U.S.C. 309 note) as a result of the amend-  
24      ments made by this Act is designated as an emergency  
25      requirement and necessary to meet emergency needs pur-

1 suant to section 204(a) of S. Con. Res. 21 (110th Con-  
2 gress) and section 301(b)(2) of S. Con. Res. 70 (110th  
3 Congress), the concurrent resolutions on the budget for  
4 fiscal years 2008 and 2009.

Passed the Senate January 26, 2009.

Attest:

*Secretary.*





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