

[DISCUSSION DRAFT]

111TH CONGRESS
1ST SESSION

H. R. _____

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

Mr. WAXMAN introduced the following bill; which was referred to the
Committee on _____

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 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Television
5 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 serting “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.—The Federal Communications
25 Commission shall postpone the commencement and the ex-
26 piration of the terms of the licenses for the recovered ana-

1 log spectrum, as defined in section 309(j)(15)(C)(vi) of
2 the Communications Act of 1934, for a 116-day period.

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

5 (a) EXPIRATION OF COUPONS EXTENDED.—Section
6 3005(c)(1)(C) of the Digital Television Transition and
7 Public Safety Act of 2005 is amended by inserting after
8 “shall expire 3 months after issuance” the following: “,
9 except that any coupon that is issued after, or that re-
10 mains unexpired and unredeemed on, the date of enact-
11 ment of the Digital Television Transition Extension Act
12 of 2009 shall expire on September 15, 2009”.

13 (b) TREATMENT OF EXPIRED COUPONS.—

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

18 “(D) EXPIRED COUPONS.—The Assistant
19 Secretary shall issue to a household, upon re-
20 quest by the household, one replacement coupon
21 for each coupon that was issued to such house-
22 hold prior to the date of enactment of the Dig-
23 ital Television Transition Extension Act of
24 2009 and that expired without being re-
25 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 (c) 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 **SEC. 4. IMPLEMENTATION.**

21 (a) PERMISSIVE EARLY TERMINATION UNDER EX-
22 ISTING REQUIREMENTS.—Nothing in this Act is intended
23 to prevent a licensee of a television broadcast station
24 from terminating the broadcasting of such station’s analog
25 television signal (and continuing to broadcast exclusively

1 in the digital television service) prior to the date estab-
2 lished by law under section 3002(b) of the Digital Tele-
3 vision Transition and Public Safety Act of 2005 for termi-
4 nation of all licenses for full-power television stations in
5 the analog television service (as amended by section 2 of
6 this Act) so long as such prior termination is conducted
7 in accordance with the Federal Communications Commis-
8 sion's requirements in effect on the date of enactment of
9 this Act, including the flexible procedures established in
10 the Matter of Third Periodic Review of the Commission's
11 Rules and Policies Affecting the Conversion to Digital Tel-
12 evision (FCC 07-228, MB Docket No. 07-91, released De-
13 cember 31, 2007).

14 (b) EXPEDITED RULEMAKING.—Notwithstanding
15 any other provision of law, the Federal Communications
16 Commission and the National Telecommunications and
17 Information Administration shall, not later than 30 days
18 after the date of enactment of this Act, adopt or revise
19 its rules, regulations, or orders or take such other actions
20 as may be necessary or appropriate to implement the pro-
21 visions, and carry out the purposes, of this Act and the
22 amendments made by this Act.

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

2 Section 309(j)(11) of the Communications Act of
3 1934 (47 U.S.C. 309(j)(11)) is amended by striking
4 “2011” and inserting “2012”.

5 **SEC. 6. USE OF RECOVERED SPECTRUM DURING EX-**
6 **TENDED TRANSITION PERIOD.**

7 (a) **COMMISSION ACTION REQUIRED.**—Notwith-
8 standing any other provision of law, the Federal Commu-
9 nications Commission shall, not later than February 15,
10 2009, develop and implement a program to encourage and
11 permit, to the extent technically feasible and subject to
12 such limitations as the Commission finds to be consistent
13 with the public interest and the requirements of this Act,
14 the use by successful bidders in the 2008 auction of spec-
15 trum between frequencies 54 and 698 megahertz, inclu-
16 sive, for experimentation and testing purposes during the
17 period beginning on February 18, 2009, and ending the
18 day after the date established by law under section
19 3002(b) of the Digital Television Transition and Public
20 Safety Act of 2005 for termination of all licenses for full-
21 power television stations in the analog television service
22 and the cessation of broadcasting by full-power stations
23 in the analog television service.

24 (b) **LIMITATIONS.**—In designing the program re-
25 quired by subsection (a), the Commission shall—

1 (1) take into account market-by-market needs,
2 based upon factors such as channel and transmitter
3 availability;

4 (2) ensure that use for experimentation and
5 testing purposes specified in subsection (a) will not
6 cause harmful interference with signals in the digital
7 television service;

8 (3) take into consideration broadcasters' transi-
9 tion and coordination plans that already have been
10 adopted; and

11 (4) prohibit any such use for experimentation
12 or testing purposes on any spectrum that is ap-
13 proved or pending approval by the Commission to be
14 used for public safety radio services.

15 (c) DEFINITIONS.—For purposes of this section:

16 (1) The term “successful bidders” shall mean
17 those entities listed in the Federal Communications
18 Commission document Auction of 700 MHz Band
19 Licenses Closes; Winning Bidders Announced for
20 Auction 73, Public Notice, 23 FCC Red 4572 (WTB
21 2008).

22 (2) The term “experimentation and testing pur-
23 poses” shall mean those uses described in the Fed-
24 eral Communications Commission’s Second Report
25 and Order, In re Serv. Rules for the 698-746, 747-

1 762 & 777-792 MHz Bands, WT Docket No. 06-
2 150, FCC 07-132, (Aug. 10, 2007), 22 FCC Red.
3 15289, with respect to the specific spectrum won at
4 auction by successful bidders.