

TITLE III--DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY

SEC. 3001. SHORT TITLE; DEFINITION.

(a) *Short Title.*--This title may be cited as the "Digital Television Transition and Public Safety Act of 2005".

(b) *Definition.*--As used in this Act, the term "Assistant Secretary" means the Assistant Secretary for Communications and Information of the Department of Commerce.

SEC. 3002. ANALOG SPECTRUM RECOVERY: FIRM DEADLINE.

(a) *Amendments.*--Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended--

(1) in subparagraph (A)--

(A) by inserting "full-power" before "television broadcast license"; and

(B) by striking "December 31, 2006" and inserting "February 17, 2009";

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking "or (B)";

(4) in subparagraph (D), by striking "subparagraph (C)(i)" and inserting "subparagraph (B)(i)"; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) *Terminations of Analog Licenses and Broadcasting.*--The Federal Communications Commission shall take such actions as are necessary--

(1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and

(2) to require by February 18, 2009, that all broadcasting by Class A stations, whether in the analog television service or digital television service, and all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).

(c) *Conforming Amendments.*--

(1) Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended--

(A) in paragraph (1)--

(i) by striking ``CHANNELS 60 TO 69'' and inserting ``CHANNELS 52 TO 69'';

(ii) by striking ``person who'' and inserting ``full-power television station licensee that'';

(iii) by striking ``746 and 806 megahertz'' and inserting ``698 and 806 megahertz''; and

(iv) by striking ``the date on which the digital television service transition period terminates, as determined by the Commission'' and inserting ``February 17, 2009''; and

(B) in paragraph (2), by striking ``746 megahertz'' and inserting ``698 megahertz''.

SEC. 3003. AUCTION OF RECOVERED SPECTRUM.

(a) *Deadline for Auction.*--Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended--

(1) by redesignating the second paragraph (15) of such section (as added by section 203(b) of the Commercial Spectrum Enhancement Act (Pub. L. 108-494; 118 Stat. 3993)), as paragraph (16) of such section; and

(2) in the first paragraph (15) of such section (as added by section 3(a) of the Auction Reform Act of 2002 (Pub. L. 107-195; 116 Stat. 716)), by adding at the end of subparagraph (C) the following new clauses:

``(v) **ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.**--Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bidding not later than January 28, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(ii) not later than June 30, 2008.

``(vi) **RECOVERED ANALOG SPECTRUM.**--For purposes of clause (v), the term 'recovered analog spectrum' means the spectrum between channels 52 and 69, inclusive (between frequencies 698 and

806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than--

``(I) the spectrum required by section 337 to be made available for public safety services; and

``(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition and Public Safety Act of 2005.".

(b) *Extension of Auction Authority.*--Section 309(j)(11) of such Act (47 U.S.C. 309(j)(11)) is amended by striking ``2007" and inserting ``2011".

SEC. 3004. RESERVATION OF AUCTION PROCEEDS.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended--

(1) in subparagraph (A), by striking ``subparagraph (B) or subparagraph (D)" and inserting ``subparagraphs (B), (D), and (E)";

(2) in subparagraph (C)(i), by inserting before the semicolon at the end the following: `` , except as otherwise provided in subparagraph (E)(ii)"; and

(3) by adding at the end the following new subparagraph:

``(E) **TRANSFER OF RECEIPTS.**--

``(i) **ESTABLISHMENT OF FUND.**--There is established in the Treasury of the United States a fund to be known as the Digital Television Transition and Public Safety Fund.

``(ii) **PROCEEDS FOR FUNDS.**--Notwithstanding subparagraph (A), the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum shall be deposited in the Digital Television Transition and Public Safety Fund.

``(iii) **TRANSFER OF AMOUNT TO TREASURY.**--On September 30, 2009, the Secretary shall transfer \$7,363,000,000 from the Digital Television Transition and Public Safety Fund to the general fund of the Treasury.

``(iv) **RECOVERED ANALOG SPECTRUM.**--For purposes of clause (i), the term `recovered analog spectrum' has the meaning provided in paragraph (15)(C)(vi).".

SEC. 3005. DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) *Creation of Program.*--The Assistant Secretary shall--

(1) implement and administer a program through which households in the United States may obtain coupons that can be applied toward the purchase of digital-to-analog converter boxes; and

(2) make payments of not to exceed \$990,000,000, in the aggregate, through fiscal year 2009 to carry out that program from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)).

(b) *Credit.*--The Assistant Secretary may borrow from the Treasury beginning on October 1, 2006 such sums as may be necessary, but not to exceed \$1,500,000,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.

(c) *Program Specifications.*--

(1) **LIMITATIONS.**--

(A) **TWO-PER-HOUSEHOLD MAXIMUM.**--A household may obtain coupons by making a request as required by the regulations under this section between January 1, 2008, and March 31, 2009, inclusive. The Assistant Secretary shall ensure that each requesting household receives, via the United States Postal Service, no more than two coupons.

(B) **NO COMBINATIONS OF COUPONS.**--Two coupons may not be used in combination toward the purchase of a single digital-to-analog converter box.

(C) **DURATION.**--All coupons shall expire 3 months after issuance.

(2) **DISTRIBUTION OF COUPONS.**--The Assistant Secretary shall expend not more than \$100,000,000 on administrative expenses and shall ensure that the sum of--

(A) all administrative expenses for the program, including not more than \$5,000,000 for consumer education concerning the digital television transition and the availability of the digital-to-analog converter box program; and

(B) the total maximum value of all the coupons redeemed, and issued but not expired, does not exceed \$990,000,000.

(3) **USE OF ADDITIONAL AMOUNT.**--If the Assistant Secretary transmits to the Committee on Energy and Commerce of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a statement certifying that the sum permitted to be expended under paragraph (2) will be insufficient to fulfill the requests for coupons from eligible households--

(A) paragraph (2) shall be applied--

(i) by substituting ``\$160,000,000" for ``\$100,000,000"; and

(ii) by substituting ``\$1,500,000,000" for ``\$990,000,000";

(B) subsection (a)(2) shall be applied by substituting ``\$1,500,000,000" for ``\$990,000,000"; and

(C) the additional amount permitted to be expended shall be available 60 days after the Assistant Secretary sends such statement.

(4) **COUPON VALUE.**--The value of each coupon shall be \$40.

(d) *Definition of Digital-to-Analog Converter Box.*--For purposes of this section, the term ``digital-to-analog converter box" means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on television receivers designed to receive and display signals only in the analog television service, but may also include a remote control device.