111TH CONGRESS 1st Session

S. 352

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,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "DTV Delay Act".

1	SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.
2	(a) IN GENERAL.—Section 3002(b) of the Digital
3	Television Transition and Public Safety Act of 2005 (47
4	U.S.C. 309 note) is amended—
5	(1) by striking "February 18, 2009;" in para-
6	graph (1) and inserting "June 13, 2009;"; and
7	(2) by striking "February 18, 2009," in para-
8	graph (2) and inserting "that date".
9	(b) Conforming Amendments.—
10	(1) Section $3008(a)(1)$ of that Act (47 U.S.C.
11	309 note) is amended by striking "February 17,
12	2009." and inserting "June 12, 2009.".
13	(2) Section $309(j)(14)(A)$ of the Communica-
14	tions Act of 1934 (47 U.S.C. $309(j)(14)(A)$) is
15	amended by striking "February 17, 2009." and in-
16	serting "June 12, 2009.".
17	(3) Section $337(e)(1)$ of the Communications
18	Act of 1934 (47 U.S.C. $337(e)(1)$) is amended by
19	striking "February 17, 2009." and inserting "June
20	12, 2009.".
21	(c) LICENSE TERMS.—
22	(1) EXTENSION.—The Federal Communications
23	Commission shall extend the terms of the licenses
24	for the recovered spectrum, including the license pe-
25	riod and construction requirements associated with
26	those licenses, for a 116-day period.

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1	(2) DEFINITION.—In this subsection, the term
2	"recovered spectrum" means—
3	(A) the recovered analog spectrum, as such
4	term is defined in section $309(j)(15)(C)(vi)$ of
5	the Communications Act of 1934; and
6	(B) the spectrum excluded from the defini-
7	tion of recovered analog spectrum by subclauses
8	(I) and (II) of such section.
9	SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CON-
10	VERTER BOX PROGRAM.
11	(a) EXTENSION OF COUPON PROGRAM.—Section
12	3005(c)(1)(A) of the Digital Television Transition and
13	Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-
14	ed by striking "March 31, 2009," and inserting "July 31,
15	2009,".
16	(b) TREATMENT OF EXPIRED COUPONS.—Section
17	3005(c)(1) of the Digital Television Transition and Public
18	Safety Act of 2005 (47 U.S.C. 309 note) is amended by
19	adding at the end the following:
20	"(D) EXPIRED COUPONS.—The Assistant
21	Secretary may issue to a household, upon re-
22	quest by the household, one replacement coupon
23	for each coupon that was issued to such house-
24	hold and that expired without being re-
25	deemed.".

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

6 (d) CONDITION OF MODIFICATIONS.—The amend-7 ments made by this section shall not take effect until the 8 enactment of additional budget authority after the date 9 of enactment of this Act to carry out the analog-to-digital 10 converter box program under section 3005 of the Digital 11 Television Transition and Public Safety Act of 2005.

12 SEC. 4. IMPLEMENTATION.

13 (a) PERMISSIVE EARLY TERMINATION UNDER EX-ISTING REQUIREMENTS.—Nothing in this Act is intended 14 15 to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog tele-16 vision signal (and continuing to broadcast exclusively in 17 18 the digital television service) prior to the date established 19 by law under section 3002(b) of the Digital Television 20 Transition and Public Safety Act of 2005 for termination 21 of all licenses for full-power television stations in the ana-22 log television service (as amended by section 2 of this Act) 23 so long as such prior termination is conducted in accord-24ance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, 25

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including the flexible procedures established in the Matter
 of Third Periodic Review of the Commission's Rules and
 Policies Affecting the Conversion to Digital Television
 (FCC 07-228, MB Docket No. 07-91, released December
 31, 2007).

6 (b) PUBLIC SAFETY RADIO SERVICES.—Nothing in 7 this Act, or the amendments made by this Act, shall pre-8 vent a public safety service licensee from commencing op-9 erations consistent with the terms of its license on spec-10 trum recovered as a result of the voluntary cessation of broadcasting in the analog or digital television service pur-11 suant to subsection (a). Any such public safety use shall 12 13 be subject to the relevant Federal Communications Commission rules and regulations in effect on the date of en-14 15 actment of this Act, including section 90.545 of the Commission's rules (47 C.F.R. § 90.545). 16

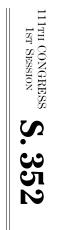
17 RULEMAKING.—Notwithstanding (c)EXPEDITED any other provision of law, the Federal Communications 18 19 Commission and the National Telecommunications and 20 Information Administration shall, not later than 30 days 21 after the date of enactment of this Act, each adopt or re-22 vise its rules, regulations, or orders or take such other ac-23 tions as may be necessary or appropriate to implement the 24 provisions, and carry out the purposes, of this Act and 25 the 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.".

Passed the Senate January 29, 2009. Attest:

Secretary.



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