

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

# S. 352

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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,*

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.

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.”.

1           (c)           CONFORMING           AMENDMENT.—Section  
2 3005(c)(1)(A) of the Digital Television Transition and  
3 Public Safety Act of 2005 (47 U.S.C. 309 note) is amend-  
4 ed by striking “receives, via the United States Postal Serv-  
5 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-  
14 ISTING REQUIREMENTS.—Nothing in this Act is intended  
15 to prevent a licensee of a television broadcast station from  
16 terminating the broadcasting of such station’s analog tele-  
17 vision signal (and continuing to broadcast exclusively in  
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-  
24 ance with the Federal Communications Commission’s re-  
25 quirements in effect on the date of enactment of this Act,

1 including the flexible procedures established in the Matter  
2 of Third Periodic Review of the Commission's Rules and  
3 Policies Affecting the Conversion to Digital Television  
4 (FCC 07-228, MB Docket No. 07-91, released December  
5 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  
11 broadcasting in the analog or digital television service pur-  
12 suant to subsection (a). Any such public safety use shall  
13 be subject to the relevant Federal Communications Com-  
14 mission rules and regulations in effect on the date of en-  
15 actment of this Act, including section 90.545 of the Com-  
16 mission's rules (47 C.F.R. § 90.545).

17 (c) EXPEDITED RULEMAKING.—Notwithstanding  
18 any other provision of law, the Federal Communications  
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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