

for millions of Americans. This will not only come as quite a surprise to them, but will also create even further gaps within our society.

This is a one-time delay only. I can think of no time in our history when having access to television is more critical than now with the global emergency and the threat of terrorism. We can't stand by and allow millions of televisions across America to go dark.

Yes, this delay was necessary because of the bungled implementation of this project, and no, it is not expected that there will need to be additional delays, and many people have spoken to the fact that they will not support additional delays in the conversion.

I encourage all Members of this body to follow the Senate's lead and support this bill on the floor today. I urge a "yes" vote on the rule and the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. TERRY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. TERRY. Are non-Members of Congress allowed to vocalize a vote?

The SPEAKER pro tempore. Only Members of the House are allowed to vote in the House.

Mr. TERRY. There were more than two "ayes" and there are only two Members on the House floor.

DTV DELAY ACT

Mr. BOUCHER. Mr. Speaker, pursuant to House Resolution 108, I call up the Senate bill (S. 352) to postpone the DTV transition date, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Delay Act".

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

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

(1) by striking "February 18, 2009;" in paragraph (1) and inserting "June 13, 2009;"; and

(2) by striking "February 18, 2009," in paragraph (2) and inserting "that date".

(b) CONFORMING AMENDMENTS.—

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

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is

amended by striking "February 17, 2009." and inserting "June 12, 2009."

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

(c) LICENSE TERMS.—

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

(2) DEFINITION.—In this subsection, the term "recovered spectrum" means—

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

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "March 31, 2009," and inserting "July 31, 2009."

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

"(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed."

(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 amended by striking "receives, via the United States Postal Service," and inserting "redeems".

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

SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, 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).

(b) PUBLIC SAFETY RADIO SERVICES.—Nothing in this Act, or the amendments made by this Act, shall prevent a public safety service licensee from commencing operations consistent with the terms of its license on spectrum recovered as a result of the voluntary cessation of broadcasting in the analog or digital television service pursuant to subsection (a). Any such public safety use shall

be subject to the relevant Federal Communications Commission rules and regulations in effect on the date of enactment of this Act, including section 90.545 of the Commission's rules (47 C.F.R. § 90.545).

(c) EXPEDITED RULEMAKING.—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications and Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

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

The SPEAKER pro tempore. Pursuant to House Resolution 108, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I yield to myself such time as I may consume.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, we are now less than 2 weeks from the February 17 digital television transition date, and millions of American households remain totally unprepared. On January 22, the Nielsen Company, which is a widely respected service that reports on television viewing in the United States, reported that fully 6.5 million households are totally unprepared for the transition. These are homes that rely upon antennas or rabbit ears in order to get their television service. They do not have cable or satellite subscriptions. And given the fact that they are totally unprepared today, if the transition goes forward as scheduled on February 17, these 6.5 million households will lose all of their television service, and that number represents about 5.7 percent of the total American television viewing public. If almost 6 percent of the nation's households lose all of their television service, I think that most people would declare that the digital television transition has been a failure.

At the present time, there are 3.7 million requests for converter box coupons pending at the U.S. Department of Commerce, and since early January, the program that funds those coupons has been out of money. Those requests therefore, cannot be honored.

And the waiting line for coupons is growing rapidly. On Friday of last week, the number of requests was 3.3 million, and over the weekend, during the day on Monday, that number climbed to 3.7 million. And I think we can expect a much larger increase in the number of requests that are filed with the Department of Commerce over the coming weeks.

It's clear to me that the only way to avoid a massive disruption affecting 5.7

percent of the entire viewing public is to delay the transition and provide the funding in the meantime to assure that when the transition does occur, it occurs smoothly. In recognition of that reality, the Senate has now, on two occasions, by a unanimous vote both times, passed legislation to delay the transition until June 12. The most recent unanimously passed Senate bill moving the date to June the 12th is now the measure that is before the House.

My friends on the other side of the aisle will argue and have argued that if more money were provided for this program for converter boxes during the coming week, that the problems could be solved, and they have, in fact, put forward a proposal to do so.

But I want to make a very clear point. The provision of more money for this program now, without moving the transition date, could not avoid the disruption. It takes 1 week to process 1.6 million coupon requests at the Department of Commerce. That's what the independent contractor working for the Department of Commerce estimates its approval numbers to be. That company is IBM, and they've been handling this coupon program since the inception. They can process 1.6 million coupon requests every week. And so in the 13 days remaining between now and February 17, that backlog presently pending of 3.7 million requests could not be processed, even if more money were provided for that program today. And then, beyond processing the requests, more time is required for mailing the coupons to those who have requested them, and then more time still required for the television viewer to get the coupon out of the mail and take that coupon to a store and redeem it for a converter box. So even if more money were provided for the program today, the program would still be a failure and we would still have millions of homes dislocated in their television viewing.

Beyond the converter box program, which is at a standstill, more resources are also needed for the Federal Communication Commission's call center program where waiting times are long, where calls are frequently disconnected, and it's very difficult to ever speak to a live technical assistance representative. In fact, Commissioner McDowell at the Federal Communications Commission reported on these facts. He had tried himself to contact the FCC's call centers, and just as a test, determine what the real condition of those call centers happens to be. And he found that calls were disconnected, waiting times were unacceptably long, and it was virtually impossible to get a live technical assistant representative on the line.

Now, as that report reveals, the FCC's call center program is in complete disarray, and that program is vitally important. There is a virtual absence of technical assistance available for people to connect their converter

boxes; once they've connected them, if they still can't get a viewable picture, get some expert advice on what further steps they might take, testing their antenna, for example, to determine whether or not the antenna would have to be replaced, adjusting that antenna to determine whether or not a digital signal can, in fact, be received. And the FCC's call centers are the only vital point of contact and point of information that millions of people, primarily those in rural stretches of our Nation, are going to have available. And that program today is in disarray.

More resources are going to be necessary in order to make that call center program effective. Only by delaying the transition and utilizing the \$650 million that the stimulus measure provides for the DTV transition program, can these problems be addressed and can massive viewer disruption be avoided.

The 4-month delay that the bill before the House would accomplish has been endorsed by a broad range of organizations representing the very parties who could potentially be disaffected by the delay. And I'm going to take just a moment to go through an identification of some of these endorsing organizations.

Much has been said during the debate on the rule about public safety, and all of us share a concern about public safety. We want to make sure that spectrum is made available to first responders at the earliest possible time in order to deploy advanced communications equipment so that there will be full interoperability among first responders, police being able to talk to fire agencies, being able to talk to rescue agencies and to do so all across the country. That's the goal. We hope that goal will soon be achieved.

But the organizations that represent these public safety agencies nationwide, the great weight of them, have endorsed this delay. I'm just going to list these. The International Association of Fire Chiefs, the International Association of Police Chiefs, the National Emergency Number Association, that's the voice of 911 across the country, and also the organization that represents the information technology professionals who work in first responder agencies, they have all endorsed this delay.

□ 1430

I would suggest that they recognize that the greater threat to public safety would come in something like 6.5 million households losing all television coverage and, therefore, not being able to get the vital public safety information that local television broadcasters so effectively provide, and that will happen unless the delay and the transition are adopted. Speaking on behalf of local broadcasters, the National Association of Broadcasters and the major networks have all endorsed this delay and have sent letters or have made public statements to that effect.

Speaking for the purchasers of the commercial wireless spectrum, the two major winners in the government-sponsored auction for that spectrum—AT&T and Verizon—have both endorsed this delay.

Now, much was said during the debate on the rule about possible motivations for various parties having recommended the delay, including some comments, perhaps, about the motivation of the President in asking for this delay. It is very clear that the reason that this delay was asked was due to the loss of television viewing that would occur across this Nation if the delay were not accomplished. That is the real reason. If any party is going to be disadvantaged because of this delay on the commercial spectrum side, it would have been the major bidders in this auction—AT&T and Verizon—and both of them have sent letters endorsing this delay. They believe it is necessary to have a smooth transition, and they have endorsed the delay accordingly. The Consumers Union and the acting chairman of the Federal Communications Commission have also endorsed this delay.

Let me offer assurance that it will be a one-time-only delay. Our committee will simply not entertain requests for any delay beyond the 12th of June. Our chairman of the full committee, the gentleman from California (Mr. WAXMAN), has been very clear about that. No requests beyond the 12th of June for a delay will be considered.

Speaking on behalf of the subcommittee, I can say precisely the same thing. We will have time to get this program properly structured. We will have the resources necessary to make sure that the program can be smooth and effective when the transition occurs in June. Under no circumstances will we consider legislation to delay this program again. The delay that this bill will accomplish, teamed with the stimulus appropriation will be sufficient to ensure a smooth digital television transition.

So, Mr. Speaker, I urge approval of the measure pending before the House, and I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, before I speak, I want to ask a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. In the previous voice vote, the Speaker said the "ayes" have it. From visual inspection, it appeared that there were more "no" Congressmen on the floor than "aye" Congressmen. My parliamentary inquiry is:

Under the rules of the House, is it possible to ask for a show of hands without violating House rules or without asking for unanimous consent?

The SPEAKER pro tempore. Such a straw vote is not in order. A timely request for a division could have been entered.

Mr. BARTON of Texas. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. If a Member on the floor at the time the Chair calls the question feels the Chair called the question erroneously, then that Member would be required to ask for a roll-call vote. Is that your remedy?

The SPEAKER pro tempore. The Chair's call of a voice vote is not subject to challenge. Following the Chair's call a Member could request a record vote or a vote by division.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Let me start out by stating that the majority is trying to fix a problem that I do not think really exists. We have sent out 33 million coupons: 22 million of those coupons have been redeemed, and 11 million coupons are outstanding. The outstanding coupons are being redeemed, I think, by about 500,000 a week, something like that. In my opinion, you could keep the hard date and not have a problem, but if you think there is a problem, it is not from lack of money.

We have appropriated \$1.3 billion. About half of that is still in the Treasury, but as I pointed out before, it cannot be released for additional coupons because they assume that 100 percent of the coupons are going to be redeemed. So what this means is the redemption rate is only about 52 percent. Once you send out a coupon, you have to wait for 90 days until it is either redeemed or until it expires before you can release an additional coupon.

If we really, really think that we need to do something, the simple thing to do is not appropriate but to authorize \$250 million at \$40 a coupon box. That is \$240 million. You have authorized enough money to send out coupons, however many you can send, to these 6.5 million Nielsen household families that my good friend from Virginia talks about. Yet the majority has chosen not to do that. They have insisted that we have to delay the program.

So point one is: We have 33 million coupons that have been sent out. Twenty-two million have been redeemed. Eleven million are outstanding. If you want to eliminate the line, you authorize another \$250 million so you can send out the other coupons. You could also just say you do not need a coupon. As my good friend from Nebraska has pointed out, it is not the lack of converter boxes. You can go to any electronic store in America and find the converter box. We could just say, "If you have not gotten a converter box, go get one." There is no means test. Under the law, every household in America is entitled to two converter boxes. Go get them. Pay for them. Send us the receipt. The Treasury will pay you your money. You could do that.

My good friend talks about the technical problems. Well, I am going to educate the country right now on the technical problems. Here is how to do it: First, get the converter box. Second,

take it out of the box. Third, plug it in. Fourth, hook it up by cable to your TV set or to your antenna. Fifth, turn it on. Sixth, if you have a remote control, hit the scan button. Seventh, make sure that you tune your TV to channel 3.

What is technical about that? It works.

Eighth, if you do all of that and it does not work, call whomever you bought the converter box from. They will tell you, and they will walk you through it. If you are a senior citizen, in most States, you can dial 211, and they will even send somebody out to your house to make sure that it is plugged in, that it is hooked up, that it is turned on, that it is on channel 3, and that you hit the scan button. Now, that is not all that high-tech. If a Texas Aggie like me can understand it, I think the country can understand it.

Next, I want to point out, even though we are delaying this until June 12 if this bill becomes law, according to the acting chairman of the Federal Communications Commission, 61 percent of the television stations in America are going to go ahead and convert to digital. One hundred forty-three television stations already have converted, and in those areas where they have converted, I am not aware that there has been a huge problem.

As CLIFF STEARNS pointed out earlier in the rules debate, they did a pilot program down in North Carolina, and it was 99 percent effective. Regarding the time that they converted over, they had a handful of concerns down there to see if it would work.

So we have a situation here where we have had a hard date on the books since September of 2005. That hard date is February 17. Every broadcaster in America is ready to go; 143 three stations have already converted. Up to 61 percent of the remaining 1,000-some-odd stations say they are probably going to convert. The acting chairman says that, before June 12, probably 90 percent will. Now, to be fair, Acting Chairman Cox does say he supports the legislation that Mr. BOUCHER is bringing to the floor. He does support the delay.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time, I am pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I probably will not take the 3 minutes, but I thank him for his leadership on the committee. As well, I thank the chairman of the full committee, Mr. WAXMAN.

Mr. Speaker, this is an important issue. In my district, at least, it is very important. This is not an academic issue. It is very important. I am pleased that we now have another chance to pass this vitally important bill, because it has become increasingly clear that, with the digital transition deadline looming just days away, literally millions of Americans are at risk of being left in the dark.

With an estimated 6.5 million households still unprepared for the digital transition, it is clear that a short delay is necessary. There are 6,000 households on the waiting list for converter box coupons in my district alone, and that number grows daily. So a short implementation delay is necessary, and I do not see the problem in granting this request.

Without a delay, many of these people would be without television service and would be at risk in the event of a disaster or of a national emergency. I represent a rural area where many people rely on over-the-air television broadcasts. So this issue is particularly important for districts like mine. People clearly need more time to learn just what this transition will mean for them.

The distinguished ranking member of the committee says that they have had enough time and that there are procedures in place for making it happen, but people need more time to learn. Even my constituents who manage to buy the box could still be left without a signal. Analog signals travel further than digital signals, and many people may still need a new digital antenna to receive the signal.

So, Mr. Speaker, in closing, I wish the Energy and Commerce Committee had the opportunity to mark up this bill, because I believe there are still some issues that are unresolved in the legislation. However, I strongly support this bill as it is written, and I look forward to its swift passage this afternoon so that consumers can be given more time to prepare for this tremendous change in their lives.

Mr. BARTON of Texas. I would like to yield 3 minutes to the ranking member of the Telecommunications Subcommittee, Mr. STEARNS of Florida.

Mr. STEARNS. I also agree with you. I would like to have had the opportunity to have marked up this bill. Unfortunately, we did not mark up this bill, and I had six amendments—Mr. BARTON and I, Mr. BLUNT and Mr. WALDEN—and they were not accepted. It would have made the bill, I think, improved.

I rise in strong opposition to this bill because, for over 2 years, we have been promoting February 17, 2009 as the date of the DTV transition. Industry and government have prepared and have spent billions of dollars. When you look at some of the statistics from Mr. BOUCHER, he is using the Nielsen rating. Well, that Nielsen rating does show that a large percentage of Americans are ready to go, and most of the statistics he has collected are from a survey that is a month old. So, in this case, it has changed, and another 1 million people have already gotten coupons.

Frankly, a change in the date engenders skepticism among Americans, confusion and a distrust of the government because here they are again delaying something when they said for over 2 years that we are going to have an effective date. So, for that reason, I

think we should move ahead with the date and defeat this bill this afternoon.

There are lots of broadcasters who have spent all of this money preparing, and now they have unbudgeted expenditures from the private sector that are going to have to be used. At this particular point in our economy, which is weak, to have to take these unbudgeted amounts of money and find this new money to make this transition is going to be a hardship for these folks. So a delay is not necessary.

All we need to do is to give the manufacturing distribution cycle any short change of notice that they need, give them a little bit more money, and we can continue. The public is not served by delaying this because, in the end, the analog spectrum that is available could be used for first responders. Many, many carriers have already invested nearly \$20 billion in spectrum auctions, and they have been promised the deployment of innovative, new, next-generation, wireless, broadband services. Now, these, our Nation's first responders, direly need and they deserve the spectrum. They paid for it. So why can't we give it to them? Why are we delaying this another 3 or 4 months? It is only because there is a perceived problem when there is really no perceived problem.

□ 1445

As Mr. BARTON on the ranking side here has pointed out, there was a demonstration project in Wilmington, North Carolina, in which 99 percent of the people were happy. There's always going to be a segment that are not happy.

And on that note, we all were involved with the inauguration here. We know we thought that it was going to go perfect; yet a lot of our constituents could not get through to their seats because the metal detectors broke down. Now, the question I have for the Democrats, if we had the inauguration in place and it turned out about 3 or 4 percent of the people could not get through because of metal detectors, would you have shut down the swearing in of the President because of it? No, you would not have.

Any great event will continue, and there's always going to be a small percentage, but you can take care of those, just like they took care of it in Wilmington, North Carolina, in the demonstration which was totally successful.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK), chairman of the Oversight and Investigations Subcommittee of the House Energy and Commerce Committee.

Mr. STUPAK. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

In the last 2 years, we've held over six hearings on this transition to digital television and highlighted the problems that we find across America

with this transmission date and the set date of February 17 and the need to extend the time. We need to extend the time because, in all honesty, the Department of Commerce has made many mistakes in this program, and to ensure that all Americans have an opportunity to make the transition and to get their converter boxes, we have to make this delay.

The other side has argued that converter boxes are readily available. Time and time again in my district in rural northern Michigan, we've gone to the stores. There are no converter boxes available. Our coupons are only good for 90 days, and then they expire, and we have got to start the process all over again.

Even though we repeatedly warned the Department of Commerce this would happen, they did nothing until Christmas Eve when they notified us that they've run out of money, there's no more converter boxes, and this is a disaster waiting to happen.

So I'm very pleased that the Obama administration has stepped forward, and this situation has now required that we delay the transition to allow this new administration the opportunity to properly prepare the Nation for DTV transition.

My colleagues on the other side of the aisle have stated that a delay would jeopardize public safety. This is simply not true.

As a former Michigan State police trooper and as a Member who's focused on strengthening our Nation's public safety and as a founder of the Law Enforcement Caucus way back in 1994, I've got to tell you the rhetoric about jeopardizing public safety is misplaced. And also as a member of the Energy and Commerce Committee, I've worked with my colleagues, public safety, and the FCC to promote the construction of a national, interoperable, wireless broadband network for law enforcement.

Congress must act quickly to modernize our public safety infrastructure, and we can do that. Basics such as access to television, before this transition and after the transition, we need access to the emergency alert system, as well as news information for local communities. This is access that's a critical component of public safety.

As a result of this legislation and our bill here today, a number of public safety groups support the delay of the DTV transition and have repeatedly said it would not jeopardize public safety. This legislation still preserves the right to make the switch, soon as you're ready, to make a switch from analog to the digital spectrum before the new transition date of June 12.

Public safety officials recognize that a one-time delay is necessary, and in a letter to us from public safety officials it says, "Specifically, the bill makes it clear that a public safety agency can use its existing license in the 700-megahertz band to commence operations after a broadcaster has voluntarily

ceased operations on a channel before June 12. All 50 States and some local governments have FCC licenses for the 700-megahertz spectrum."

It will not delay public safety. It will not jeopardize public safety. Vote "yes" on the legislation.

Mr. BARTON of Texas. I'd like to give 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank Mr. BARTON.

I was one that several years ago helped write this legislation that we're amending today, and the reason that we did it was because we listened to the 9/11 Commission, and their number one recommendation was our first responders need the analog spectrum. They have got to have that so that they can communicate with each other. The fire fighters have got to get the same message that the police folks got on that fateful day back in September.

In Katrina, the Coast Guard folks couldn't talk to the sheriffs as they tried to rescue people off the roofs, and we knew that it was because of the spectrum. They did not have the slice of the analog spectrum necessary so they could communicate.

So the 9/11 Commission made their report, and then they did a follow-up report a couple of years later, and they said Congress still hasn't acted, and they took all of us on. They gave us a flunking grade, E, and we came back and said, well, there was a number of things that had to happen.

We had to convert the television stations from analog to digital. We had to make sure that we stop selling analog TV sets. We had to be able to develop the technology and be able to get it out to these converter boxes, and we actually came up with a way that could help fund the consumer to pay for that box so that they could get the picture over the air.

Our broadcasters have done a marvelous job. They have spent more than \$1 billion across the country informing the Nation about the February 17 date, a date that we set, Chairman BARTON and myself, more than 3 years ago.

And our broadcasters, like my Channel 22 in South Bend, Indiana, which broadcasts in Indiana and Michigan wrote me almost a month ago and it says, "Anticipating the February 17 analog shutoff, WSBT is in the process of converting our backup analog transmitter to digital. This means there is currently no backup for our analog signal in the event of any technical failure to the primary transmitter. We do not stock any backup analog transmitter parts. We have been told that the age of the parts means they are likely to fail soon and replacements are either not in stock or exceptionally difficult and expensive to find."

The Fraternal Order of Police, understanding probably better than just about anyone else is relating to the need for access to analog spectrum,

says this particularly with the arguments that were made by some previous speakers in support of this bill. "While S. 328 would still allow broadcasters to voluntarily transition by 17 February, subject to current FCC regulations, and allow public safety to occupy this vacated spectrum, unless all the surrounding broadcast stations also voluntarily transition, it is unlikely anyone can move."

That's the point. They're ready. So are our consumers. The NTIA told this body in November that they were going to have trouble with the coupons, and we should have acted then to do a number of different things in terms of figuring out how to appropriate the money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I give the gentleman 1 additional minute.

Mr. UPTON. If we had acted then to figure out how we could send these coupons out, not use third-class mail but first-class mail, we could have easily fixed this without the costs so that our consumers, our broadcasters, and yes, our first responders would be able to have this spectrum available on February 17.

But we didn't do that job. We didn't do it, and here we are today now looking, after spending more than \$1 billion to inform the consuming public about February 17, we're just going to move it to June 12. Who knows if it moves again.

Dates have meaning. Americans know about the date called April 15, the date that we pay our taxes; yet there are still a number of folks who don't file on time.

We need to file on time. We need this analog transition date to stick so that if we do have another emergency, particularly in the next couple of months, whether it be our police, our fire fighters, our EMS folks, that they will begin to have that technology so they can communicate to save lives.

That's what this is about. Please vote "no."

Mr. BOUCHER. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) has 14 minutes remaining. The gentleman from Texas (Mr. BARTON) has 18 minutes remaining.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker at this time, I ask unanimous consent that all Members shall have 5 legislative days to insert material in the RECORD, including their statements on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Speaker, I rise in strong support of this legislation and extending the DTV deadline.

As a father, I try and limit how much television my daughter watches. However, that does not mean that I want to completely deny her access to this very informative medium, but that's exactly what others would have us here believe. They would have us deny access to millions of Americans, Americans who rely on TV not only for their entertainment but for their safety.

Mr. Speaker, two major winter storms have passed through my district in the past 2 weeks, and thousands of people stayed off the icy roads during these storms because of the winter advisory alerts that went out on our local TV affiliates in Indianapolis. By having access to these alerts, thousands of my constituents were able to remain safe.

So I would implore the minority not to politicize this issue. This is a very serious issue that demands we act swiftly and responsibly. I encourage my colleagues to support this legislation.

Mr. BARTON of Texas. I'd like to yield 3 minutes to a member of the committee, Mr. TERRY of Nebraska.

Mr. TERRY. Mr. Speaker, I rise in opposition of this delay. I want to run through numbers, and I know it's hard to orally talk about numbers and have it sink in, but the Nielsen survey that was done showed there was about 6.5 million folks or households a month ago that weren't hooked up. And Mr. STEARNS from Florida mentioned that was 30 days ago, and many of those have already been hooked up, but let's just assume 30 days ago 6.5 million households.

Right now, out in our communities and households there's 10 million coupons, valid, non-expired coupons. Let's assume, since each household was allowed two, that's 5 million households. So, really, what we're talking about is 1.5 million that would be left without resources, evidently, on February 18.

For that, we're going to delay 4 months and also put up \$650 million to somehow say in the last 2-plus years and millions and millions and millions of dollars of advertising, not only nationally but by our local affiliates and broadcasters, and here's what we've been told, it's not within the stimulus bill how that 650 will be spent, but we're told that 90 million of it is going to be spent paying people to go door to door, 40 million for converter boxes ostensibly for the 1.5 million which way exceeds the amount—so we have to ask if it's really going for converter boxes or it will be slid over somewhere else—and 160 million more in consumer education. Again, to find the 1.5 million people on February 18 that would ostensibly be left.

And the other thing that confuses me is none of the public safety organizations of which our friend from Virginia mentioned in his opening remarks were coming to us in Congress, either side of the aisle, and saying, my goodness, you have to delay this.

□ 1500

And then, frankly, nobody was coming to us saying, "You have to delay this" until the President, 3 weeks ago, out of the blue, said we should delay this because he was advised by somebody in his transition team that the previous administration had messed it up and it's going to take 4 months to fix. And then we find out that perhaps a person on the transition team actually had maybe a conflict of interest that was not relayed to the President.

But the point that's here is that none of those folks that offered the letter had done so before the President asked for it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. TERRY. So what we also need to look at here is the \$650 million, an appropriate amount for the 1.5 million.

Are we, if we delay this another 4 months, even going to be able to find that 1.5 million? And I told a story the other day when we were discussing this about Tom Osborne, a Nebraskan icon, an idol. When he ran for Congress, a poll was done showing he had 95 percent name ID in the State of Nebraska when he ran for Congress. That means after 30 years of coaching and three national championships in the State of Nebraska, there were still 5 percent that had never heard of him.

So if the new standard is to reach 100 percent, Mr. Speaker, we're not going to get there on February 18 or in June or June of 2010.

So I don't understand why we're delaying this.

Mr. BOUCHER. I yield myself 1 minute.

Mr. Speaker, I do so for the purpose of placing in the RECORD a series of letters that the committee has received endorsing this delay, and among these letters are letters from the Association of Public Safety Communication Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Emergency Number Association speaking for 911. And these are all associations that sent letters to the committee representing the public safety community, and they represent the great weight of public safety of first responders in the Nation endorsing this delay.

Also included in this submission will be a letter from the National Association of Broadcasters speaking on behalf of local broadcasters across the Nation. We have also received letters from AT&T and Verizon, the two major winners in the government-sponsored spectrum auction endorsing the delay, from the Consumers Union, the National Hispanic Media Coalition, Univision, and also the acting chairman of the Federal Communications Commission.

JANUARY 30, 2009.

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Energy and Commerce,
 House of Representatives, Rayburn House
 Office Building, Washington, DC.*

DEAR CHAIRMAN WAXMAN: We understand that the House of Representatives may soon consider S. 352, the DTV transition extension bill that passed in the Senate yesterday.

The bill the Senate passed yesterday included language to address the impact on public safety of a DTV transition delay. We expressed support for this language in a letter we sent on January 27, 2009, to Senate Commerce Committee Chairman Rockefeller and Ranking Member Hutchison.

Specifically, the bill makes it clear that a public safety agency can use its existing license in the 700 MHz band to commence operations after a broadcaster has voluntarily ceased operations on a channel before June 12. All 50 states and some local governments have FCC licenses for 700 MHz spectrum, and are waiting for the DTV transition date to modernize their communications systems and ensure public safety.

Although we have concerns about the impact of delaying the transition date on public safety, since this language is now included in the final version of the bill we support passage of this legislation.

We thank you and your colleagues for taking into account the concerns of public safety while considering this matter.

Respectfully,

CHRIS FISCHER,
*President, Association
 of Public-Safety
 Communications Of-
 ficials-International.*

RUSSELL B. LAINE,
*President,
 International Association
 of Chiefs of Police.*

LARRY J. GRORUD,
*President,
 International Association
 of Fire Chiefs.*

NATIONAL EMERGENCY
 NUMBER ASSOCIATION,
Arlington, VA, February 2, 2009.

Re: digital television transition.

Hon. HENRY WAXMAN,
*Chairman, Committee on Energy and Commerce,
 Rayburn House Office Building, Wash-
 ington, DC.*

Hon. JOE BARTON,
*Ranking Member, Committee on Energy and
 Commerce, Rayburn House Office Building,
 Washington, DC.*

DEAR CHAIRMAN WAXMAN AND RANKING MEMBER BARTON: I am writing on behalf of the National Emergency Number Association (NENA), the leading professional non-profit organization dedicated to the advancement of 9-1-1 emergency communications issues, as a follow up to our earlier letter regarding the digital television (DTV) transition. On behalf of NENA's 7,000 members, we again wish to thank you for your efforts to ensure that a significant element of the debate to extend the DTV transition date addresses the needs of public safety. NENA supports the Senate approach recently adopted in S352 that addresses public safety spectrum needs and we encourage the House to quickly adopt the measure.

While NENA again wishes to underscore the substantial importance of public safety access to this valuable spectrum and your willingness to work with public safety, we also are mindful of the greater societal debate and the impact on millions of consumers if the DTV transition is not properly handled. If there is a delay in the transition, then it is very important that public safety

agencies have the option to gain expedited access to channels that have been vacated by broadcasters before the new DTV transition deadline, an important aspect of the legislation adopted by the Senate that you are now preparing to consider.

Thank you again for your commitment to consider the potential impact on public safety of an extension of the DTV transition

Sincerely,

BRIAN FONTES,
CEO.

NATIONAL ASSOCIATION
 OF BROADCASTERS,
Washington, DC, February 2, 2009.

Hon. HENRY WAXMAN,
*House of Representatives, House Committee on
 Energy and Commerce, Rayburn House Of-
 fice Building, Washington, DC.*

Hon. RICK BOUCHER,
*House of Representatives, House Committee on
 Energy and Commerce, Rayburn House Of-
 fice Building, Washington, DC.*

DEAR CHAIRMAN WAXMAN and CHAIRMAN BOUCHER: On behalf of America's broadcasters and the National Association of Broadcasters (NAB) Television Board of Directors, thank you for working to ensure that millions of Americans are able to successfully switch to digital television (DTV) and for your efforts to help consumers receive converter box coupons prior to the transition date.

As you know, America's full-power television stations have been working for the last two years to educate Americans about the switch to all-digital broadcasting. The DTV transition is the highest television priority of NAB, as broadcast networks and television stations across the country have contributed more than \$1 billion to educate Americans on the impending switch.

Free over-the-air broadcasting is important part of American life. Broadcasters understand this as well as the need to ensure that Americans are both prepared and equipped to make the switch to digital. To this end, we support your efforts to give viewers and the federal government more time to get ready for all-digital broadcasting. As you know, many Americans are already enjoying the benefits of digital television. Indeed, some markets have already commenced digital-only operations, some stations are already digital-only and other stations will need to cease analog operations on February 17 or sometime before June 12.

It is important that stations have the flexibility to go all digital before the new cutoff date. We understand that Congress does not intend to require stations to continue analog broadcasting just because the date is changing. Nor does it intend to have the Federal Communications Commission impose additional requirements on stations by either changing the current streamlined procedures for notifying the agency that the station is terminating analog service or insisting on 30 day notification for stations that would not have been required to provide notice if the date had not changed.

We appreciate your focus on flexibility for stations so that they can determine how best to provide the vital news, weather alerts and emergency information that free, local television provides to its viewers.

We hope the House will pass the legislation that was unanimously approved by the Senate. Thank you for your continued attention to this important matter.

Best wishes.

Sincerely,

DAVID K. REHR,
President and CEO.

At this time, I am pleased to yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Thank you, Chairman BOUCHER, and thank you for the leadership that has been given by a number of our committees in Energy and Commerce, and thank you very much, President Obama, for listening to the real reason for having this legislation, and that is that actually we had run out of money for these vouchers that are needed for many of the individuals who are economically in need. In actuality, there is a waiting list.

In my own community, there are 7,298 in the 18th Congressional District in Houston, Texas, and an increase of over 600 since we've indicated the possibility of being able to get these additional vouchers or to get in line.

My mother is 83 years old and has a television that needs this adaptation. And I can tell you the difficulty for seniors. That is why AARP is supporting this extension, this configuration. When you're ready, get on line. But if you're not ready, then you will not be in the dark until, of course, this extension. It makes sense.

Many times a television is a lifeline of a person living alone, a disabled person, a senior person, and frankly, I want to work with the FOP. We all have good relations with them, and I believe down the road we can work that out.

But the International Fire Chiefs are for this, the public safety officers are for this. We want to have interoperability. We want to be able to communicate, unlike the tragedy that occurred in 9/11. But at the same time, we can be multitasked. We can, in essence, do two things at once to ensure that we have a process that doesn't turn the lights out on a predominant number of Americans who cannot help being on a list with a coupon system that does not work. They were not able to get the coupons. If we don't do this bill, February 9 is D-day. It is a D-day in terms of what happens to many Americans.

I think this is a positive approach. It is an effective approach, and it will help us move the process forward. And let me thank the network stations for working as hard as they could locally, but they need help. This bill will help.

I ask my colleagues to support it.

Mr. Speaker, today I speak in strong support of S. 352, and I also want to thank my colleague Senator JAY ROCKEFELLER for authoring this insightful resolution.

The digital television transition is an unnecessary burden to be passed onto the American people at a time when the pressures of day to day life are heavy and growing.

To assist consumers through the conversion, the Department of Commerce through its National Telecommunications and Information Administration (NTIA) division handled requests from households for up to two \$40 coupons for digital-to-analog converter boxes beginning January 1, 2008 via a toll free number or a website.

However, the Commerce Department has run out of funds to cover the cost of coupons

ad there are millions of Americans who have yet to receive the boxes. These Americans should not be expected to purchase the converter box without the aid of the government, seeing as the entire nation is under extraordinary economic pressure caused by the recession.

Last week, President Obama's team joined a chorus of concerned voices requesting a delay because the National Telecommunications and Information Administration (NTIA), which is to provide education and \$40 vouchers for people to buy digital TV converter boxes, ran out of money on January 4. There is also concern that many people, especially poorer and more rural areas, have not yet heard that they will need a converter and a larger antenna.

Older homes can not be easily wired for cable. The house walls might be made of concrete, brick, or stone that is difficult to wire through. This has caused some local residents to opt for analog over-the-air TV instead of cable or FIOS. Other people have decided to only wire their living room, and still use analog over-the-air in other rooms. The old construction can also cause problems running an antenna to a window, roof, or attic. These older homes are generally owned by lower income families that are being hit particularly hard by the current economic recession.

On January 22, The Nielsen Company said 6.5 million Americans had not prepared for the switch, a startling number considering the Commerce Department's inability to assist these Americans in the purchase of the converter boxes. TV stations would face extra expenses, which is burden that they also cannot be expected to take on in times like these.

Mr. Speaker, I understand that the long-term effects of this transition will benefit the American people and support the eventual transition. Madam Speaker we are in a recession at best. Our seniors can barely afford their prescriptions and we are asking them to pay another 40–50 dollars for a convertor box. To some of us that may not seem like much but for many it is a small fortune. Especially for our senior population who may have only the television as company.

I ask that my colleagues support this legislation and give Americans more time to properly prepare for the conversion.

Mr. BARTON of Texas. Can I inquire as to the time remaining on each side, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 14 minutes remaining. The gentleman from Virginia has 10 minutes remaining.

Mr. BARTON of Texas. I would like to yield 3 minutes to the distinguished former ranking member of the Ag Committee and the former chairman of that committee, Mr. GOODLATTE of Virginia.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I thank the ranking member for yielding me this time and for his leadership on this very important issue. And I rise in strong opposition to this legislation.

Mr. Speaker, February 17, 2009, I bet if we took a poll we would find that 90 percent of the American people know the date that's been set for the digital

transition. February 17, as has already been noted, the television stations of the country have spent \$1 billion in advertising, the government has spent huge sums of money promoting transfer, and 98 or 99 percent—depending on who you talk to—the American people are ready.

If you're connected to a cable system, you're ready. If you're connected to satellite, you're ready. If you have a digital-ready television set, you're ready. Or if you're like a million of the people who listened to this message, went out and got the converter box, you're ready to make the transition now.

There is a much simpler solution to the problem of those who do not have the coupons today. We could fix it today. We could fix it right in this room today by simply saying, "Go buy the converter box. Save your receipt. When you get the coupon, return it with the receipt and you will get your \$40 back."

There are plenty of ways of solving this problem without a 4-month delay, and look at the consequences of that delay.

First of all, we have television stations today that are having to maintain two systems that are having to pay for the electricity of two systems. It's estimated that the 1,758 U.S. TV stations may face up to \$141 million in additional electric bills because of the delay.

Imagine the amount of CO₂ gas emissions that are occurring because we're going to extend this for 4 months and require most of those stations to continue to broadcast in both of these services.

Secondly, we have to reeducate the voters. Who knows what date it is in June that this is being extended until? The people don't know the answer to that question. And we shouldn't have to reeducate them and expend any more dollars reminding them that that deadline is coming up.

We have a problem with the fact that billions of dollars have been invested in this country in new equipment to take advantage of this spectrum by emergency responders—police, fire, emergency rescue organizations—all of which will have to delay the use of that equipment by 4 months because they don't have the ability to use this spectrum.

And then we have the companies that have bid billions of dollars to buy other portions of the spectrum to bring generation 3 and generation 4 wireless technology.

We're talking about a stimulus package. We're trying to stimulate the economy and create jobs. This is an anti-stimulus bill that would delay the efficiency and growth in our economy that comes about when you go ahead and stick to the date that this Congress voted for a long time ago.

It is time to move ahead, and I hope that my colleagues will join me in opposing this bad idea.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. Thank you.

Mr. Speaker, I rise today in strong support of S. 352, the DTV Delay Act. The deadline for the transition from analog to digital television is just weeks away and yet millions of Americans are still on a waiting list with the National Telecommunications and Information Administration to receive coupons for converter boxes.

It's highly unlikely that 3,000 of my constituents will receive their coupons before the February 17 deadline. Both the coupon program and other consumer education programs implemented by the former administration have clearly fallen short leaving many vulnerable populations—especially the elderly, low-income, and those living in the rural communities—at risk of seeing their TV screens go blank.

In an effort to protect American consumers and allow the time for more Americans to receive coupons and prepare for this important transition, it is essential to push back the date to June 12.

I urge all of my colleagues to support the legislation.

PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. I have just been informed that my friends on the majority side want to go to the White House for the SCHIP signing ceremony and we have to finish the debate in the next 10 minutes. What does "finish the debate" mean? Actually call for a roll-call vote in the next 10 minutes, or actually have the vote finished in the next 10 minutes?

Mr. BOUCHER. Will the gentleman yield?

Mr. BARTON of Texas. I've got a parliamentary inquiry. I don't know how to address this.

If the Chair would advise, then I will address it in the appropriate way.

The SPEAKER pro tempore. The Chair does not control the program or the time that is remaining in the pending debate.

Mr. BARTON of Texas. That's your answer?

The SPEAKER pro tempore. It is.

Mr. BARTON of Texas. Then I would ask unanimous consent for an additional 3 minutes, equally divided, to engage in a dialogue with the distinguished Member from Virginia who's controlling the time on the majority side.

Mr. BOUCHER. Will the gentleman from Texas yield to me?

Mr. BARTON of Texas. If we accept unanimous consent that we have 3 minutes equally divided.

The SPEAKER pro tempore. The Chair will entertain that request only from the majority manager.

Does the gentleman from Virginia wish to propound that request?

Mr. BARTON of Texas. Further parliamentary inquiry.

Since when has it been the rules of the House that the minority cannot ask a unanimous consent request? When did that rule get changed? We're fixing to have a real problem here.

Now the majority can object to unanimous consent, but I at least have the right to offer a unanimous consent request.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair would look to the majority manager for any request regarding the extension of time in debate.

The Chair recognized the gentleman from Texas for a parliamentary inquiry, but a unanimous consent request to extend the time of debate should be offered by the majority manager.

Mr. BARTON of Texas. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. What are the limits of a unanimous consent request? Unanimous consent means it requires unanimous consent of the House.

I asked for a unanimous consent request for 3 additional minutes. What rule did I violate of the House in asking for a unanimous consent request as a member of the minority?

The SPEAKER pro tempore. The gentleman did not violate a rule. The gentleman was not recognized for a unanimous consent request to extend time in debate. Only the majority manager will be recognized for extensions of time in debate.

Mr. BARTON of Texas. So the minority has to be recognized to make the unanimous consent request?

The SPEAKER pro tempore. To extend debate, the majority manager must offer the unanimous consent request.

The gentleman from Texas controls the time.

Mr. BARTON of Texas. I reserve my time.

Mr. BOUCHER. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Virginia has 9 minutes. The gentleman from Texas has 11 minutes remaining.

Mr. BOUCHER. In view of the fact that we have no further requests for time on this side and I do intend to close debate, at this time I would ask the gentleman from Texas if he has other speakers that he would like to recognize, or if he is prepared to close on his side.

Mr. BARTON of Texas. If the gentleman will yield.

Mr. BOUCHER. I would be pleased to yield.

Mr. BARTON of Texas. I have two additional speakers plus myself to close, and that would probably take 8 minutes, but I could do it in less.

□ 1515

Mr. BOUCHER. The gentleman has under the rule as much time as is allotted to him—and still remains—for his time allotted.

Mr. BARTON of Texas. I am just trying to facilitate the majority's request to go to the White House. Trying to be a good guy. I have now been muzzled on the House floor. We may decide to stay here all night.

Mr. BOUCHER. Well, reclaiming my time, I probably have about a 4-minute closing statement, and that is all the time we intend to consume on this side. If the gentleman would be amenable to a unanimous consent request that would limit his time to that same amount, I'm sure we would find that to be acceptable.

Mr. BARTON of Texas. We will expedite things on this side. We won't use all of our time.

Mr. BOUCHER. Let me ask the gentleman if he would like to recognize his speakers at this time.

Mr. BARTON of Texas. I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentleman from Texas.

I want to talk to this measure. I think part of the frustration those of us on the Republican side of the aisle feel is this: We are being asked to truncate the time to debate this bill, which was already limited to no amendments under a closed rule, a bill that has never had a hearing in this House or before the Energy and Commerce Committee or the subcommittee.

The Republicans were completely denied the opportunity to offer any amendment at any time. Now I am trying to figure out how that's democracy in action and how that is change for a better day. And now we are being asked to basically cut it quick, be quiet, go back to our offices so they can go to the White House for a media show.

Let me talk to this bill. Delaying the DTV date from February 17 to June puts it right in the middle of hurricane season, tornado season, and all that. It doesn't open up the spectrum any sooner for law enforcement to deal with the issues that the public safety community identified 5 years to the day of 9/11. Five years before, they said, You have got to give us some more spectrum so we can have interoperability. That is back in 2001. We are that to here. Now we are going to delay it some more.

For broadcasters in my State of Oregon, they are going to get to pay \$500,000 to \$1 million more in energy costs to run two transmitters, when they should only, and had counted on, only running one. So to keep their analog—most likely, a tube-driven transmitter fired up—that will add 4 million tons of carbon into the atmosphere at a time when I thought the majority and others in this Congress wanted to do something about carbon emissions.

So, it will cost \$1 million, it will cost jobs. You will burn more energy. They

will have to have engineers keep old transmitters hobbled together. We had a transmitter across the river in Washington State, an analog transmitter, burn up 2 weeks ago. Their analog transmitter. It's off the air. They switched. And they haven't had any real pushback from the community.

"The provisions in this new bill, according to Communications Daily," that purport to provide a safety valve for public safety agencies that want to make use of the 700 megahertz spectrum before the revised deadline are worse than provisions that raised public safety objections," industry officials said Friday. "This bill is totally of no value to public safety," said an industry official.

Mr. Speaker, I would like to put this report from Communications Daily into the RECORD so that Americans and our colleagues can see this.

Under the bill, a public safety agency can go on the air if a TV station vacates its channel in compliance with the various rules. And yet, it's so complicated in here, that isn't going to happen. We had Members say, Gee, we have got to do something to help public safety. This just delays that.

So you're going to burn more power, you're going to cost jobs. Then, most Americans, 93, 94, probably pushing up higher than that, have already made the conversion, that we know of. A million people have come off the waiting list for the coupons in the last 4 weeks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. BLACKBURN. I yield the gentleman 30 additional seconds.

Mr. WALDEN. A simple change in the law to allow budget authority of \$250 million to NTIA would allow them to flow these coupons out. The stimulus bill spends \$600 million more on the coupon conversion program, and yet that money isn't going to be out the door until April at the soonest.

So I am trying to figure out how if you move this to the middle of June, and you don't get the money out the door until April or May. I am not sure you have solved the coupon problem.

In closing, the Fraternal Order of Police, who represent a couple hundred thousand law enforcement officers, are opposed to moving this date. And so am I, Mr. Chairman. I think it's unnecessary and it's expensive.

[From Communications Daily, Feb. 2, 2009]

HOUSE TO VOTE ON DTV DELAY BILL, BUT OPPOSITION REMAINS

(By Anne Veigle and Howard Buskirk)

The House is set to vote on a revised DTV transition delay bill this week, following unanimous Senate passage Thursday night. The bill would set a new analog cutoff date of June 12 instead of Feb. 17. The House is expected to take the bill up under different rules than last week, when an earlier version failed to secure a two-thirds majority needed to suspend the normal rules. Opposition remains among Republican leaders, who could still try to block the bill, but Democrats believe they have enough votes for passage.

"I am hopeful they will pass this bill so we can send it to President Obama," said Senate

Commerce Committee Chairman Jay Rockefeller, D-W.Va., in a statement after the Senate passed an amended version (S-352) of its previous bill (S-328). "I have no doubt this is going to go through," Sen. Amy Klobuchar, D-Minn., said on C-SPAN's The Communicators, which airs Saturday on C-SPAN and Monday on C-SPAN 2. Klobuchar, who co-sponsored the Rockefeller bill, said the converter box coupon program's ballooning wait list ignited political momentum to delay the transition. "We thought let's give this new administration some time to fix the problems" with the coupons, she said.

The technical changes in S-352 clarify that households can get replacement coupons for those that expired without being redeemed once budget authority approval of new money for the converter box program is granted. House and Senate economic stimulus bills each propose \$650 million for the converter box program, and there has been no challenge to that proposal so far.

Until the money is appropriated, the converter box program will continue to grapple with a backlog of coupon requests. S-328 would have allowed emergency funds to kick in immediately. S-352 also makes clear that broadcasters wishing to shut down analog operations before June 12 can do so, and in cases where stations have made the switch, public safety can begin using the vacated spectrum.

PUBLIC SAFETY CONCERNS

The provisions in the new bill that purport to provide a safety valve for public safety agencies that want to make use of the 700 MHz spectrum before the revised deadline are worse than provisions that raised public safety objections, industry officials said Friday. Public safety officials declined comment.

"The bill is totally of no value to public safety," said an industry official. "Some of these things could be fixed, but they would just require the House to vote again and the Senate to vote again." Public safety concerns have figured prominently in Hill debate. Sen. John McCain, R-Ariz., in particular had said he couldn't support the legislation unless sponsors addressed public safety concerns.

Public safety officials had objected to a requirement in the original version of the bill which passed the Senate which required them to file an application to make use of the 700 MHz spectrum they'll get anyway after the transition. Rep. Henry Waxman, D-Calif., proposed an alternative that doesn't require public safety agencies to file an application. But it does require agencies to work within a relatively arcane and little utilized section of the FCC's rules—section 90.545—before they can use the airwaves.

Under the bill, a public safety agency can go on the air if a TV station vacates its channel in compliance with both a Dec. 31, 2007, FCC order and section 90.545 of the FCC's rules. But the TV station must air notices for at least 30 days prior to its shut down. Over the past week, numerous TV stations have filed requests to shut down by airing notices for fewer than 30 days. Under the legislation, the FCC would have no discretion to grant the requests.

In addition, under section 90.545 a public safety agency could go on the air only if its transmitters are sufficiently far away from those TV stations still on the adjacent channels—public safety agencies can't use the spectrum just because one station shuts down. But the separation requirement would be difficult to meet. As an alternative, the public safety agencies could negotiate agreements with TV stations, but they would have to submit the applications for FCC approval. A prior version of the legislation required

the FCC to rule within 14 days. The Senate-passed version has no such requirement, and there's no requirement in the FCC rule. In addition, public safety agencies can submit engineering studies, but again, the FCC would have to approve the studies, and there's no timetable for a FCC ruling. "They tried to fix something, but the fix actually made it worse," an industry official said.

Meanwhile, House Republicans continue to oppose the delay. "Moving back the date would put a financial burden on industry that will be hard for it to swallow in this difficult economic climate," Rep. Cliff Stearns, R-Fla., ranking member of the House Telecom Subcommittee, wrote in a Friday Washington Times Op-Ed. Stearns has co-sponsored a bill with Commerce ranking member Joe Barton, R-Texas, that would keep the February cutoff date while providing \$250 million for the converter box coupon program.

But Democratic leadership hasn't responded to Barton's plan, believing it can pass the extension bill despite Republicans' surprise blockage last week (CD Jan 29 pl). Thirteen Democrats voted with Republicans in Wednesday's 258-168 vote. Bypassing the rules requires a super-majority vote. But 22 Republicans joined with Democrats in favor of moving the DTV delay bill. Republicans may try to kill the bill by making a "motion to recommit," which, if approved, would send the bill back to committee. But a straight majority vote is required to do that, and most observers believe Democrats have a sufficient margin to defeat that procedure. The bill will go before the Rules Committee Tuesday to determine time limits and rules for amending the bill on the floor, Hill and industry officials said.

NATIONAL FRATERNAL ORDER OF POLICE,

Washington, DC, 23 January 2009.

Hon. NANCY P. PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER, I am writing on behalf of the members of the Fraternal Order of Police to express our concerns regarding S. 328, the "DTV Delay Act," as it relates to public safety access to spectrum.

Many of the arguments being made in favor of delaying this transition were made during the consideration of the Digital Transition and Public Safety Act in 2005. This is not a new issue, and was first recognized in a public safety report issued in September 1996. In 1997, Congress granted public safety access to this portion of spectrum under Title III, Section 3004 of the Balanced Budget Act of 1997, which directed the Federal Communications Commission (FCC) to authorize broadcasters currently occupying the spectrum to remain there until 2006. Public safety access to this area of spectrum was repeatedly pushed back until the enactment of the Digital Transition and Public Safety Act in 2005, which set a hard deadline of 17 February for analog broadcasters to allow public safety access to 24 MHz of spectrum on the 700MHz band. We are concerned that the staggered transition which would result if S. 328 is signed into law may jeopardize the channels that Congress promised to law enforcement and other public safety officers more than a decade ago.

For public safety to use the spectrum they have been promised, broadcast stations must stop analog broadcasts on those channels. Broadcast stations on the adjacent channels must also stop analog broadcasts to avoid interfering with the public safety communications we are trying to enable. For all

those broadcast stations to have somewhere to go, additional broadcast stations must stop their analog transmission. It is this chain of events that makes the hard deadline of 17 February 2009 the most realistic and responsible option for clearing the spectrum for public safety's use.

While S. 328 would still allow broadcasters to voluntarily transition by 17 February, subject to current FCC regulations, and allow public safety to occupy this vacated spectrum, unless all the surrounding broadcast stations also voluntarily transition, it is unlikely anyone can move. Moreover, under current FCC regulations, broadcasters generally would not be permitted to transition even voluntarily until three months before the delayed transition date, and even then the FCC has the discretion to refuse them authorization.

The American public has asked broadcasters to take difficult, time consuming, and costly steps to enable better public safety communications. These broadcasters have admirably risen to the call and say they are ready for 17 February. If this delay goes into effect, it opens the door for future delays. More than a decade of work has gone by since Congress authorized public safety communications to expand on the spectrum, and we are very close to achieving our goal. I urge you not to bring all of this progress to a halt less than thirty days from the finish line.

Thank you in advance for your consideration of the views of the more than 327,000 members of the Fraternal Order of Police. Our communications are our lifeline and we need to know that they will function properly at all times. If I can provide any additional information on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. BOUCHER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Texas.

This is, again, as we are standing here today, just quite an amazing debate that we are having. How interesting it is that we get down to the finish line of something that has been in the works for years and the Federal Government wants to call a time out and say, Let's push it off for another 4 months.

Of course, we all know that one of the reasons appears to be giving one company a competitive advantage. We find that very unfortunate that you have someone who is reported as a lobbyist for a company, and they have been an advisor for the administration on this situation, and it is about a competitive advantage.

One of the things that I do want to mention is so much has been said about the national organizations that are supporting this. I find it very interesting, Mr. Speaker. When I am talking to my local law enforcement community, when I am talking to my local broadcasters, they are much in opposition to what we hear being expressed as the opinion of the national organizations.

But isn't that the way it goes on issue after issue? You have got the D.C. way and then you have got, as we say, the Tennessee way. The local way. And your local broadcasters have committed incredible resources to this. They have worked with their communities.

Seniors are prepared. We know that according to Nielsen, Seniors are more prepared than just about anybody for this. We know that the American public is ready for this to take place and we know that our first responders are saying let's get this done so that we have that interoperability that was missing on 9/11, we have interoperability that was missing at Katrina. We have a readiness and a timetable for solving a problem that the American people have said we want to see some action on this.

Mr. Speaker, it is wrong to delay this. Let's show the American people that the Federal Government can keep their word on something, and it is making this transition.

Mr. BARTON of Texas. I yield back the balance of my time, Mr. Speaker.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

I want to say just a few words in response to a couple of the arguments that were raised by my friends on the other side of the aisle. First, there was an effort to suggest that the Nielsen survey, which reports that 6.5 million homes are totally unprepared for the digital television transition, was an old survey. That it was a month old. In fact, that survey was taken the week of January 18. So it's only a bit more than 2 weeks old at this point. And, for practical purposes, those are very current numbers.

The argument also was made that more money could perhaps be provided for the converter box program during the coming week, and that that would solve the problem. That does not solve the problem for two very important reasons. Given the processing time for the request for coupons at the Department of Commerce, there literally is not enough time in the 13 days remaining between now and transition date to clear the backlog of 3.7 million coupon requests that are currently pending, much less the time it would take to mail the coupons to the TV viewers and the time it would then take for the TV viewers to take the coupons to a store and redeem them for converter boxes. So even if money were provided today for the converter box program, there would still be massive dislocation on February 17.

Beyond the converter box program, the call centers operated by the FCC are also in disarray. Long waiting times, busy signals, calls frequently disconnected. Virtually impossible to get a live technical assistance representative on the phone. These were facts reported on by one of the FCC commissioners, Commissioner McDowell, who called the call centers and found that that is the state of affairs.

More resources will be needed in order to appropriately staff the call centers and make sure that that vital point of information is available for the millions of Americans who are going to need that assistance when the conversion occurs.

Wilmington, North Carolina, where a test was conducted of an early shutoff of the analog signal did produce a good result, but there were very important circumstances at play in Wilmington that are simply not at play across the rest of the country.

First of all, a massive amount of advertising money was expended in advising people that the cutoff was coming, and telling them exactly what they had to do to prepare. The Federal Communications System set up a special field office in Wilmington. The FCC paid firefighters in that city to provide in-home technical assistance to people who were having problems. Most importantly of all, Wilmington is flat terrain—very different from the mountainous rural areas of America, where the primary problems with the transition are going to occur. So, yes, a good result did obtain in Wilmington, but Wilmington is very different from the rest of the country where the major problems are going to arise.

It was also mentioned by some in argument that the Department of Commerce has been saying for some time that it was running out of money for its converter box program. In fact, not until Christmas Eve—December 24—did the Department of Commerce send notice that the coupon program was out of money. Of course, Congress was in recess. And we have acted as expeditiously as we could since reconvening in order to correct the problem. And we are doing that now by proposing a delay.

This delay is absolutely necessary. It will be for one time only. It will ensure, in conjunction with the \$650 million to be provided in the stimulus legislation, that the problems that confront this program can successfully be addressed. Converter boxes can be supplied. The call centers can be staffed.

We can assure that when the transition occurs on June 12, that it does so smoothly, and for the benefit of the American public.

Mr. Speaker, I urge passage of this measure.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the DTV Delay Act.

Two weeks from today, all full-power television broadcast stations are required to terminate analog signals and transmit only in digital. Congress mandated the transition to digital in response to requests by police, firefighters, and emergency personnel for the increased radio spectrum necessary for reliable, interoperable communications.

To help Americans prepare for the transition and to offset the associated cost for consumers, Congress established the TV Converter Box Coupon Program. But the program underestimated the number of requests for coupons and ran out of money. As a result, many Americans have not received coupons and are unprepared for transition.

Today 1.8 million households are on a waiting list to receive more than 3.3 million converter box coupons. Though funding was inserted in the Stimulus Package to pay for more coupons, unless the February 17th conversion date is delayed, few of these Americans will be able to receive their coupons and purchase their converter boxes in time.

The DTV Delay Act will help the Coupon Program to honor requests for coupons and enable those whose coupons may have expired, to receive new ones.

The bill does this by delaying the transition date to June 13th, 2009 and extending the period that the Coupon Program may operate until July 31st 2009.

According to the Nielsen Company, 6.5 million households will lose all TV reception on February 17, 2009. Television is the leading source Americans use to receive critical public safety information, news and entertainment. Yet millions of Americans, including many of the country's most vulnerable groups like seniors, the poor and minorities, still need to take steps to prepare for transition.

I encourage my colleagues to join me in support of the DTV Delay Act. The country is not yet prepared for digital transition. This bill will provide the time we need to ensure that all Americans are able to enjoy the full benefits that transition to digital can provide.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of S. 352, the DTV Delay Act, which postpones the date of the analog-to-digital television transition from February 17, 2009, to June 12, 2009.

Over the last several months I have received call after call and letter after letter from my constituents who rely on their analog televisions for news, emergency information and entertainment. They are very concerned that they have been unable to obtain the converter box they need for the upcoming digital transition.

My constituents tell me that they applied for coupons well in advance of the deadline, only to be told that coupons were no longer available or that the coupons they received had already expired. My constituents who live in group homes and single room occupancy buildings have also voiced concern that they have been denied coupons because they live in housing that does not fit the program's narrow definition of a "household."

My constituents are not the only ones affected by arbitrary expiration dates, coupon shortages or ineligibility. According to the National Telecommunications and Information Administration, NTIA, as of January 28, 2009, more than 14 million coupons have expired. The result is that millions of Americans will lose their television signal because they will be unable to purchase the equipment necessary for the transition. The NTIA also reported in early January that the \$1.34 billion that Congress appropriated for the coupons had run out. To date more than 3 million people are on the waiting list. This number includes nearly 7,000 of my constituents, who need these coupons before the transition takes effect and they lose their main source of communication.

It is clear that this country is not prepared for the February 17 transition. I am pleased that the DTV Delay Act postpones the digital transition for 115 days and will permit consumers holding expired coupons to reapply for replacement coupons. This bill is badly needed to help ensure that millions of Americans

do not lose a critical communications safety net when our country transitions from analog to digital television.

I urge the Energy and Commerce Committee and the NTIA to use this additional time to address the needs of Americans who are currently considered ineligible for the converter box program, such as those that live in single room occupancy buildings and other group homes across the nation. These are people who need the coupons most because they will not be able to afford converters without the help of this program. They are entitled to the same access to the digital converter program as all other Americans. Let's ensure that no Americans find themselves in the dark when the transition occurs.

Mr. REYES. Mr. Speaker, I rise in support of S. 352, the DTV Delay Act.

I am a strong supporter for a delay in the Digital Television, DTV, transition set to occur on February 17, 2009, because I believe that without a postponement many families and individuals will be left behind. Without this delay, millions of Americans may see their televisions "go dark" on February 18th, with a disproportionate impact on low-income, rural, and elderly Americans.

I am particularly concerned with this issue given the unique DTV transition challenges that exists in my congressional district and along the U.S.-Mexico border. Households on the U.S.-Mexico border already have low rates of cable or satellite television subscription. However, unlike other parts of the country, televisions in the border region will continue to work after the February transition, as viewers in the U.S.-Mexico border will maintain analog transmissions from Mexico. This presents a major obstacle for those trying to prepare analog-only viewers for this transition because many of these Spanish-speaking viewers will have little incentive to purchase the required digital converter box once they discover their television still works.

In addition, I am very concerned about the circumstances surrounding the National Telecommunications and Information Administration's, NTIA, implementation of the TV Converter Box Coupon Program. Specifically, I am troubled by the NTIA's creation of a wait list after issuing the maximum amount of coupons allowed under its budget.

According to Commerce Department data, in just the last two business days, the size of this waiting list has grown by 200,000 households. There are now more than two million households on the waiting list for coupons. In my congressional district alone, the waiting list numbers have grown from 5,605 on January 30th to 6,013 on February 2nd.

These developments raise serious questions as to the actual ability of many households to comply with the February deadline. As the transition date has drawn near, it has become increasingly apparent to me that the government programs to support the transition are insufficient and that the transition should be delayed.

Mr. MARKEY. Mr. Speaker, I want to commend you for quickly putting this Senate legislation, once again, before the House for immediate consideration.

In several weeks, without immediate action, millions of Americans may remain unprepared for the digital television transition. Mr. Speaker, as you know, I have had a long interest in the digital television transition. I held the very

first hearing on "High Definition TV" in October of 1987—more than 20 years ago. In 1990, I battled hard and successfully as then-Chairman of the House Telecommunications and Finance Subcommittee to get the Federal Communications Commission to switch from pursuing an "analog" HDTV standard to a "digital" standard.

Moreover, I fought to build into the Telecomm Act in 1996 the appropriate way in which broadcasters could utilize "spectrum flexibility" to multiplex the digital signal into several video programming channels or offer wireless interactive television or information services. And I pushed unsuccessfully in the context of the 1997 budget battles to prohibit the sale of "analog-only" televisions by the year 2000—an amendment that was opposed by every Republican in our Committee markup in 1997. The result was over a hundred million analog-only sets were sold into the marketplace even as the government was stipulating it intended to turn off the analog TV signal. The failure to mandate "dual tuner" TVs sooner has compounded the difficulty of this transition immeasurably by increasing the base of TV receivers that need converter boxes to receive digital TV signals.

Most recently, for the last two years as the Telecommunications and Internet Subcommittee Chairman, I convened six DTV hearings, requested and received three Government Accountability Office, GAO, reports, and wrote numerous oversight letters to the FCC, to NTIA, and to industry and consumer representatives in headlong pursuit of ensuring a successful digital television transition on February 17th.

At the last DTV hearing that we held the second week of September—just after the Wilmington, North Carolina switch-over test—the GAO testified:

NTIA is effectively implementing the converter box subsidy program, but its plans to address the likely increase in coupon demand as the transition nears remain unclear. . . . With a spike in demand likely as the transition date nears, NTIA has no specific plans to address an increase in demand; therefore, consumers might incur significant wait time before they receive coupons as the transition nears and might lose television service during the time they are waiting for the coupons.

In response, I asked the Acting NTIA Administrator to give the Subcommittee a contingency plan for dealing with the expected surge in coupons within 30 days. Now, that contingency plan did not arrive in 30 days. Instead, it arrived to us on November 6th—just after Election Day. The NTIA's "Final Phase" plan did not echo the GAO's alarm bells, but rather stated the following:

This Plan demonstrates that the Coupon Program has both sufficient funds and system processing capabilities to achieve this goal . . . and to do so without the creation a large backlog. Also, NTIA has built flexibility into the Program to respond to various or unexpected events. Moreover, based on actual, cumulative redemption data, NTIA would not exhaust the authorized \$1.34 billion in coupon funding despite increased demand leading up to the analog shut-down, on February 17th, and, in fact, may return as much as \$340 million to the U.S. Treasury.

That's from the NTIA just over two months ago. "No problem," the agency is saying. In essence the agency is telling Congress, "We have a plan to deal with the surge and we

don't need any more money. No large backlog. And we'll have hundreds of millions of dollars left over."

Now, why is this important? It is important because we were actually in session in November. We could have acted during the "lame duck" session if the Bush Administration had said, "yes, we will likely have a shortfall", or "please, Congress, let's err on the side of caution and budget a couple hundred million more just in case . . .". Yet NTIA told us all just the opposite. The agency said everything was fine and they didn't need additional money for coupons.

In late December, I asked for an urgent status update on the program. That's when NTIA wrote back to me—on December 24th—stating that a waiting list was going to begin in January of this year because the coupon program was hitting its funding ceiling. The agency indicated that to solve this issue and spend up to the \$1.34 billion in the underlying statute for coupons that another 250 million dollars at a minimum might be needed. And that amount would not necessarily reflect the actual demand for coupons the agency was newly projecting. The waiting list now represents approximately 3 million coupons.

In an attempt to respond quickly, I reached out the first week we returned here in January to Ranking Member JOE BARTON, R-TX, and said if we work together on an accounting fix we could start to address the waiting list issue and get the coupons flowing to consumers again and buy some time. I want to thank Rep. BARTON for his willingness to proceed on such a bill.

But that effort has simply become overtaken by events. If we passed it and also gave NTIA a couple hundred million dollars for additional coupons in a measure that passed through the House and through the Senate today, and arrived to the President's desk this evening, we simply wouldn't be able to address the backlog and get coupons out to people who have requested them by February 17th.

Not every media market will be as unprepared as others on February 17th. I know that in the Boston market, our local commercial and noncommercial broadcasters, as well as our local cable operators, have worked diligently to be ready on February 17th and I commend them for their model efforts. Yet even in Boston, it is important to note that a recent test brought a flood of calls to consumer call centers from citizens confused about or unprepared for the switchover. Many other media markets, in part due to the demographic makeup of such markets, will have an even greater risk of significant dislocation without immediate action. The Bush Administration has simply left us with so little time to make the needed adjustments on a national basis absent a short, one-time delay.

So, although this is the last place we all wanted to be, and in spite of the fact that we toiled mightily to make this effort work, it is my judgment that a short delay is in the public interest in order to protect consumers. I urge passage of this emergency DTV legislation.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 108, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT

Mr. BARTON of Texas. Mr. Speaker, I have a motion to commit at the desk. The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Barton of Texas moves to commit the bill (S. 352) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 6. CLEARANCE OF PUBLIC SAFETY SPECTRUM, ADJACENT CHANNELS, AND OTHER CHANNELS CAUSING INTERFERENCE.

Notwithstanding any other provision of this Act, any amendments made by this Act, or any revision to any rule, regulation, or order pursuant to this Act or such amendments, no full-power television broadcast station shall be permitted, after February 17, 2009, to continue broadcasting—

(1) in the television service on channels 63, 64, 68, or 69 (764-806 megahertz, inclusive);

(2) on any channels adjacent to the channels described in paragraph (1), if cessation of broadcasting on such channels is determined by the Federal Communications Commission to be necessary to prevent interference with public safety communications; and

(3) on any other channel, if cessation of broadcasting on such channel is determined by the Federal Communications Commission to be necessary to ensure that—

(A) all public safety radio service licensees can relocate onto and begin operation on their respective licensed spectrum; or

(B) no full-power television broadcast station is subject to unacceptable interference or has its coverage area significantly reduced.

Mr. BARTON of Texas (during the reading). I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. BARTON of Texas. Mr. Speaker, I will try to make this as succinct as possible. The motion to commit before us says that notwithstanding any other provision in the bill that is before us, those stations that have spectrum that is going to be used by public safety officials and first responders have to relinquish that spectrum on February 17. If there's any station whose spectrum is adjacent to the public safety spectrum that would interfere with the public safety spectrum, those stations also have to relinquish their spectrum on February 17.

So what this motion to commit does is simply say that for first responders and public safety officials who have been waiting patiently for almost 7

years, they will get their spectrum on February 18. That is all it does.

I would point out that it's been brought to my attention that the entire State of Hawaii has been digital now for an entire month. They went digital to protect migrating birds who would be interfered with if they waited until February 17 to move one or two particular transmitters.

So, in the State of Hawaii, they have been all digital for a month, and there's been no problem; 143 stations on the mainland have already gone digital. There has been no problem.

The Acting FCC Chairman says that about 60 percent, and maybe as many as 90 percent of the TV stations, are going to go digital between February 17 and June 12. So I don't think there's a reason for the delay. But the motion to commit simply says that if we are going to pass the underlying bill, let's at least put the first responders at the front of the line to go ahead and get their spectrum on February 18.

With that, I would yield to the gentleman from Oregon (Mr. WALDEN) in support of the motion to commit.

□ 1530

Mr. WALDEN. Mr. Speaker, let's get this down.

On November 6, NTIA notified us that they may have a problem with money. At the end of December, they said they have got to start a waiting list. And today is February 4. So you had December, January, and now February, 3 months to work this out, and there was a simple accounting fix that could have been done early on that would have solved this problem. So at a minimum we could have addressed this earlier had the majority wanted to. Right now, our biggest concern, frankly, should be with law enforcement and our emergency services.

Five years to the day before America was attacked on September 11, 2001, the law enforcement community said: We need you to free up this spectrum, make this transition, and get it done; because if we have an attack or a problem in this country, we don't have the interoperable capability to communicate. And, unfortunately, we will learn the sad, tragic, and deadly reality of that failure to communicate as rescue workers tried to do their jobs in New York City.

So all this motion to commit says is that let's have the FCC make sure that we are not going to further hamper our emergency services personnel and their ability to have interoperable communications, so that fire and police can talk to each other when there is an emergency. That is all this says: FCC, make sure this gets done right; and, if there is a problem, move these stations so that we put the safety of our firefighters, the safety of our police first and the safety of our communities. Because, Lord knows, we may be the subject of another attack.

We all hope that does not occur. But if it does, there will be another com-

mission that says: How come you guys waited? Why didn't you do what we told you to do when we had the last commission, the 9/11 Commission? Why didn't you listen to the public service folks 5 years before the attack on 9/11? Why didn't you step up and do your job?

There is a simple accounting fix that initially there was reportedly even bipartisan for, until the transition team said, oh, no, let's just move the date. Then everything crumbled, and that is where we are today.

Last night my wife and I were watching TV, and here comes the ad on Comcast that says that: Congress has passed a law that says February 17, 2009, the analogue signal goes away, and you just subscribe to us or you do this converter box.

We are still having these folks advertise as of last night what the law is today. People, are confused. You think confusion? They are still being told, here is what you are supposed to do. And this is why people don't trust the government, because you get everybody marching, doing what they are supposed to do, the broadcasters, the industries that supply the boxes, everything else, and then we move the goalposts. And I don't think that makes sense. In this case, it doesn't have to happen. We can work through this process. You could make a simple accounting change; you would be \$250 million just authorized and you get the coupons out the door.

Mr. BOUCHER. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, the primary reason that I am opposing this motion to commit is that it simply is unnecessary. And I want to address that in just a moment; but before I do that, I think a factual clarification is necessary. The Department of Commerce did not notify the Congress that the converter box program was out of money until Christmas Eve. Congress was in recess at that time. Ever since we have been back in session, we have been working to address the problem that that program running out of money has caused, and we have done that as expeditiously as the congressional schedule permits.

In November, in the communication to which the gentleman from Oregon referred, the Department of Commerce indicated that it was having to re-schedule in a certain way the provision of coupons, but it also said that it had ample money to continue the program to successful conclusion at that time. The Department of Commerce said nothing about the program potentially running out of money. That message did not come until December 24th.

Mr. WALDEN. Mr. Speaker, would the gentleman yield?

Mr. BOUCHER. If I have time remaining after I finish my statement, I will be happy to yield to the gentleman.

The motion to commit would essentially require the broadcasters in the four channels that will be devoted to public safety and in a buffer zone around those four channels to terminate their analogue broadcast. That is the essence of what the motion accomplishes. And it simply is not necessary.

The first point to be made is that there are very few public safety agencies that immediately are even prepared to start using that spectrum for advanced communications. And that fact comes to us from David Furth, who is the official at the FCC, Acting Chief of the Public Safety and Homeland Security Bureau, who has told us that very few public safety agencies could even utilize the spectrum immediately.

We have placed in this legislation a provision that says that if broadcasters elect to turn off their analogue transmitters and vacate the spectrum prior to the transition date of June 12, they may do so; and, if they decide to do so, then public safety agencies that are prepared to begin to utilize the spectrum may have access to it, in accordance with standard Federal Communication Commission procedures. And so many broadcasters probably will take that option. I think numbers were provided on the other side about how many are likely to do that, and in those areas public safety agencies can go forward.

Beyond that, we have a very large list of endorsements for this delay coming from the associations that represent the great bulk of public safety agencies across the United States, and they are saying that there is a greater risk in shutting television off and having people lose vital public safety information that television provides than there is in delaying for a brief period the arrival of the spectrum for the use of public safety agencies. Letters have been received from the Association of Public Safety Communications Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, and the National Emergency Number Association, all speaking for public safety agencies and endorsing this delay.

As I indicated, there is a great public safety concern if people are not able to get the emergency information that is delivered so effectively by local broadcast stations. And kicking those stations out of the four channels in which they are broadcasting today to make room for public safety agencies that themselves are not prepared to utilize that spectrum simply is not a good policy. And so, Mr. Speaker, for all of these reasons I oppose the motion to commit and ask that it be rejected by the House.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALDEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to commit will be followed by 5-minute votes on passage of S. 352, if ordered; and suspending the rules and passing H.R. 738, if ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 242, not voting 10, as follows:

[Roll No. 51]

YEAS—180

Akin	Giffords	Murphy (CT)
Altmire	Gingrey (GA)	Murphy, Tim
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Bachus	Granger	Nunes
Barrett (SC)	Graves	Nye
Bartlett	Guthrie	Olson
Barton (TX)	Hall (TX)	Paul
Biggett	Harper	Paulsen
Bilbray	Hastings (WA)	Pence
Bilirakis	Heller	Perriello
Bishop (UT)	Hensarling	Peters
Blackburn	Herger	Pitts
Blunt	Himes	Platts
Boehner	Hoekstra	Poe (TX)
Bonner	Hunter	Posey
Bono Mack	Inglis	Price (GA)
Boozman	Issa	Putnam
Boustany	Jenkins	Radanovich
Brady (TX)	Johnson (IL)	Rehberg
Broun (GA)	Johnson, Sam	Reichert
Brown (SC)	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	Kind	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	King (NY)	Rooney
Calvert	Kingston	Ros-Lehtinen
Camp	Kirk	Roskam
Cantor	Kline (MN)	Royce
Capito	Lamborn	Ryan (WI)
Carney	Lance	Scalise
Carter	LaTham	Schmidt
Cassidy	LaTourrette	Sessions
Castle	Latta	Shadegg
Chaffetz	Lee (NY)	Shimkus
Coble	Lewis (CA)	Shuster
Coffman (CO)	Linder	Smith (NE)
Cole	LoBiondo	Smith (NJ)
Conaway	Lucas	Smith (TX)
Crenshaw	Luetkemeyer	Souder
Culberson	Lummis	Stearns
Dahlkemper	Lungren, Daniel	Sullivan
Davis (KY)	E.	Teague
Deal (GA)	Mack	Terry
Dent	Manzullo	Thompson (PA)
Diaz-Balart, L.	Marchant	Thornberry
Diaz-Balart, M.	McCarthy (CA)	Tiahrt
Dreier	McCaul	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McHugh	Walden
Fallin	McIntyre	Walz
Fleming	McMorris	Wamp
Forbes	Rodgers	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallegly	Minnick	Young (AK)
Garrett (NJ)	Mitchell	Young (FL)
Gerlach	Moran (KS)	

NAYS—242

Abercrombie	Baird	Berman
Ackerman	Baldwin	Berry
Adler (NJ)	Barrow	Bishop (GA)
Andrews	Bean	Bishop (NY)
Arcuri	Becerra	Blumenauer
Baca	Berkley	Bocieri

Boren	Hill	Pastor (AZ)
Boswell	Hinchee	Payne
Boucher	Hinojosa	Perlmutter
Boyd	Hirono	Peterson
Brady (PA)	Hodes	Petri
Bralley (IA)	Holden	Pingree (ME)
Bright	Holt	Polis (CO)
Brown, Corrine	Honda	Pomeroy
Brown-Waite,	Hoyer	Price (NC)
Ginny	Inslee	Rahall
Butterfield	Israel	Rangel
Cao	Jackson (IL)	Reyes
Capps	Jackson-Lee	Richardson
Capuano	(TX)	Rodriguez
Cardoza	Johnson (GA)	Roe (TN)
Carnahan	Johnson, E. B.	Ross
Carson (IN)	Kagen	Rothman (NJ)
Chandler	Kanjorski	Royal-Allard
Childers	Kaptur	Ruppersberger
Clarke	Kennedy	Rush
Clay	Kildee	Ryan (OH)
Cleaver	Kilpatrick (MI)	Salazar
Clyburn	Kilroy	Sánchez, Linda
Cohen	Kirkpatrick (AZ)	T.
Connolly (VA)	Klein (FL)	Sanchez, Loretta
Conyers	Kosmas	Sarbanes
Cooper	Kratovil	Schakowsky
Costa	Kucinich	Schauer
Costello	Langevin	Schiff
Courtney	Larsen (WA)	Schrader
Crowley	Larson (CT)	Schwartz
Cuellar	Lee (CA)	Scott (GA)
Cummings	Levin	Scott (VA)
Davis (AL)	Lewis (GA)	Sensenbrenner
Davis (CA)	Lipinski	Serrano
Davis (IL)	Loeb sack	Sestak
Davis (TN)	Lofgren, Zoe	Shea-Porter
DeFazio	Lowey	Sherman
DeGette	Lujan	Shuler
Delahunt	Lynch	Sires
DeLauro	Maffei	Skelton
Dicks	Maloney	Slaughter
Dingell	Markey (CO)	Smith (WA)
Doggett	Markey (MA)	Snyder
Donnelly (IN)	Marshall	Solis (CA)
Doyle	Massa	Space
Driehaus	Matheson	Speier
Edwards (MD)	Matsui	Spratt
Edwards (TX)	McCarthy (NY)	Stupak
Ellison	McClintock	Sutton
Ellsworth	McCollum	Tanner
Engel	McDermott	Tauscher
Eshoo	McGovern	Taylor
Etheridge	McMahon	Thompson (CA)
Farr	McNerney	Thompson (MS)
Fattah	Meek (FL)	Tierney
Filner	Meeks (NY)	Titus
Foster	Melancon	Tonko
Frank (MA)	Michaud	Towns
Fudge	Miller (NC)	Tsongas
Gonzalez	Miller, George	Van Hollen
Gordon (TN)	Mollohan	Velázquez
Grayson	Moore (KS)	Visclosky
Green, Al	Moore (WI)	Wasserman
Green, Gene	Moran (VA)	Schultz
Griffith	Murphy, Patrick	Waters
Grijalva	Murtha	Watson
Gutierrez	Nadler (NY)	Watt
Hall (NY)	Napolitano	Waxman
Halvorson	Neal (MA)	Weiner
Hare	Oberstar	Welch
Harman	Obey	Wexler
Hastings (FL)	Olver	Wilson (OH)
Heinrich	Ortiz	Woolsey
Herseth Sandlin	Pallone	Wu
Higgins	Pascrell	Yarmuth

NOT VOTING—10

Aderholt	Flake	Simpson
Alexander	Kissell	Stark
Campbell	McKeon	
Castor (FL)	Schock	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1604

Messrs. SCOTT of Georgia, SHERMAN, HONDA, ELLISON, SCHRADER, MELANCON, KUCINICH, MORAN of Virginia, THOMPSON of Mississippi, OBERSTAR, Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Ms. SOLIS of California and Ms.

PINGREE of Maine changed their vote from “yea” to “nay.”

Messrs. YOUNG of Alaska, LEWIS of California, PERRIELLO and SAM JOHNSON of Texas changed their vote from “nay” to “yea.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 51, had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 158, not voting 10, as follows:

[Roll No. 52]

YEAS—264

Abercrombie	DeLauro	Kaptur
Ackerman	Diaz-Balart, L.	Kennedy
Andrews	Diaz-Balart, M.	Kildee
Arcuri	Dicks	Kilpatrick (MI)
Baca	Dingell	Kilroy
Baird	Doggett	Kirkpatrick (AZ)
Baldwin	Donnelly (IN)	Klein (FL)
Barrow	Doyle	Kosmas
Bean	Driehaus	Kratovil
Becerra	Duncan	Kucinich
Berman	Edwards (MD)	Langevin
Berry	Edwards (TX)	Larson (CT)
Bilirakis	Ellison	LaTourette
Bishop (GA)	Ellsworth	Lee (CA)
Bishop (NY)	Emerson	Levin
Blumenauer	Engel	Lewis (GA)
Boccieri	Eshoo	Lipinski
Boren	Etheridge	LoBiondo
Boswell	Farr	Loebsack
Boucher	Fattah	Logren, Zoe
Boyd	Filner	Lowey
Brady (PA)	Foster	Lujan
Braley (IA)	Frank (MA)	Lynch
Bright	Fudge	Maffei
Brown, Corrine	Giffords	Maloney
Brown-Waite,	Gonzalez	Markey (CO)
Ginny	Gordon (TN)	Markey (MA)
Buchanan	Grayson	Marshall
Butterfield	Green, Al	Massa
Cao	Green, Gene	Matheson
Capps	Griffith	Matsui
Capuano	Grijalva	McCarthy (NY)
Cardoza	Gutierrez	McClintock
Carnahan	Hall (NY)	McCollum
Carney	Halvorson	McDermott
Carson (IN)	Hare	McGovern
Chandler	Harman	McHugh
Childers	Hastings (FL)	McIntyre
Clarke	Heinrich	McMahon
Clay	Herseth Sandlin	McNerney
Cleaver	Higgins	Meek (FL)
Clyburn	Hill	Meeks (NY)
Cohen	Himes	Michaud
Connolly (VA)	Hinchev	Miller (NC)
Conyers	Hinojosa	Miller, George
Cooper	Hirono	Minnick
Costa	Hodes	Mitchell
Costello	Holt	Mollohan
Courtney	Honda	Moore (KS)
Crowley	Hoyer	Moore (WI)
Cuellar	Inslie	Moran (VA)
Cummings	Israel	Murphy (CT)
Dahlkemper	Jackson (IL)	Murphy, Patrick
Davis (AL)	Jackson-Lee	Murtha
Davis (CA)	(TX)	Nadler (NY)
Davis (IL)	Johnson (GA)	Napolitano
Davis (TN)	Johnson, E. B.	Neal (MA)
DeFazio	Jones	Nye
DeGette	Kagen	Oberstar
Delahunt	Kanjorski	Obey

Oliver	Sánchez, Linda	Tanner
Ortiz	T.	Tauscher
Pallone	Sanchez, Loretta	Taylor
Pascarell	Sarbanes	Teague
Pastor (AZ)	Schakowsky	Thompson (CA)
Payne	Schauer	Thompson (MS)
Perriello	Schiff	Tierney
Peters	Schrader	Titus
Peterson	Schwartz	Tonko
Pingree (ME)	Scott (GA)	Towns
Polis (CO)	Scott (VA)	Tsongas
Pomeroy	Sensenbrenner	Turner
Posey	Serrano	Van Hollen
Price (NC)	Sestak	Velázquez
Rahall	Shea-Porter	Visclosky
Rangel	Sherman	Wasserman
Reyes	Shuster	Schultz
Richardson	Sires	Waters
Rodriguez	Skelton	Watson
Roe (TN)	Slaughter	Watt
Rogers (AL)	Smith (NJ)	Waxman
Rogers (KY)	Smith (WA)	Weiner
Ros-Lehtinen	Snyder	Welch
Ross	Solis (CA)	Wexler
Rothman (NJ)	Space	Wilson (OH)
Roybal-Allard	Speier	Woolsey
Ruppersberger	Spratt	Wu
Rush	Stupak	Yarmuth
Ryan (OH)	Sullivan	
Salazar	Sutton	

NAYS—158

Adler (NJ)	Gerlach	Miller, Gary
Akin	Gingrey (GA)	Moran (KS)
Altmire	Gohmert	Murphy, Tim
Austria	Goodlatte	Myrick
Bachmann	Granger	Neugebauer
Bachus	Graves	Nunes
Barrett (SC)	Guthrie	Olson
Bartlett	Hall (TX)	Paulsen
Barton (TX)	Harper	Pence
Berkley	Hastings (WA)	Perlmutter
Biggert	Heller	Petri
Bilbray	Hensarling	Pitts
Bishop (UT)	Herger	Platts
Blackburn	Hoekstra	Poe (TX)
Blunt	Holden	Price (GA)
Boehner	Hunter	Putnam
Bonner	Inglis	Radanovich
Bono Mack	Issa	Rehberg
Boozman	Jenkins	Reichert
Boustany	Johnson (IL)	Rogers (MI)
Brady (TX)	Johnson, Sam	Rohrabacher
Broun (GA)	Jordan (OH)	Rooney
Brown (SC)	Kind	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kirk	Schmidt
Camp	Kline (MN)	Schock
Cantor	Lamborn	Sessions
Capito	Lance	Shadegg
Carter	Larsen (WA)	Shimkus
Cassidy	Latham	Shuler
Castle	Latta	Smith (NE)
Chaffetz	Lee (NY)	Smith (TX)
Coble	Lewis (CA)	Souder
Coffman (CO)	Linder	Stearns
Cole	Lucas	Terry
Conaway	Luetkemeyer	Thompson (PA)
Crenshaw	Lummis	Thornberry
Culberson	Lungren, Daniel	E.
Davis (KY)	E.	Mack
Deal (GA)	Dent	Manzullo
Dent	Dreier	Marchant
Dreier	Ehlers	McCarthy (CA)
Fallin	Heinrich	McCaul
Fleming	McMahon	McCotter
Forbes	McNerney	McHenry
Fortenberry	Meek (FL)	McMorris
Fox	Meeks (NY)	Rodgers
Franks (AZ)	Michaud	Melancon
Frelinghuysen	Miller (NC)	Mica
Galleghy	Miller, George	Miller (FL)
Garrett (NJ)	Minnick	Miller (MI)
	Mitchell	
	Mollohan	
	Moore (KS)	
	Moore (WI)	
	Moran (VA)	
	Murphy (CT)	
	Murphy, Patrick	
	Murtha	
	Nadler (NY)	
	Napolitano	
	Neal (MA)	
	Nye	
	Oberstar	
	Obey	

NOT VOTING—10

Aderholt	Flake	Simpson
Alexander	Kissell	Stark
Campbell	McKeon	
Castor (FL)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1612

Ms. FOXX changed her vote from “yea” to “nay.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Mr. Speaker, on rollcall No. 52, I inadvertently voted “nay.” I would like the RECORD to show that I meant to vote “yea.”

Stated against:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 52, had I been present, I would have voted “nay.”

DEATH IN CUSTODY REPORTING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 738.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 738.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 24, as follows:

[Roll No. 53]

YEAS—407

Abercrombie	Brady (PA)	Costa
Ackerman	Brady (TX)	Costello
Adler (NJ)	Braley (IA)	Courtney
Akin	Bright	Crenshaw
Altmire	Brown (SC)	Crowley
Andrews	Brown, Corrine	Cuellar
Arcuri	Brown-Waite,	Culberson
Austria	Ginny	Cummings
Baca	Buchanan	Dahlkemper
Bachmann	Burgess	Davis (AL)
Bachus	Burton (IN)	Davis (CA)
Baird	Butterfield	Davis (IL)
Baldwin	Buyer	Davis (KY)
Barrett (SC)	Camp	Davis (TN)
Barrow	Cantor	Deal (GA)
Bartlett	Cao	DeFazio
Barton (TX)	Capito	DeGette
Bean	Capps	Delahunt
Becerra	Capuano	DeLauro
Berkley	Cardoza	Dent
Berman	Carnahan	Diaz-Balart, L.
Berry	Carney	Diaz-Balart, M.
Biggert	Carson (IN)	Dicks
Bilbray	Carter	Dingell
Bilirakis	Cassidy	Doggett
Bishop (GA)	Castle	Donnelly (IN)
Bishop (NY)	Chaffetz	Doyle
Bishop (UT)	Chandler	Dreier
Blackburn	Childers	Driehaus
Blumenauer	Clarke	Duncan
Blunt	Clay	Edwards (MD)
Boccieri	Cleaver	Edwards (TX)
Boehner	Clyburn	Ehlers
Bonner	Coble	Ellison
Bono Mack	Coffman (CO)	Emerson
Boozman	Cohen	Engel
Boren	Cole	Eshoo
Boswell	Conaway	Etheridge
Boucher	Connolly (VA)	Fallin
Boustany	Conyers	Farr
Boyd	Cooper	Fattah