

(1) emergency information, including critical details regarding the emergency, as broadcast or required to be broadcast by full-power stations in the digital television service;

(2) information, in both English and Spanish, and accessible to persons with disabilities, concerning—

(A) the digital television transition, including the fact that a transition has taken place and that additional action is required to continue receiving television service, including emergency notifications; and

(B) the steps required to enable viewers to receive such emergency information via the digital television service and to convert to receiving digital television service, including a phone number and Internet address by which help with such transition may be obtained in both English and Spanish; and

(3) such other information related to consumer education about the digital television transition or public health and safety or emergencies as the Commission may find to be consistent with the public interest.

SEC. 3. LIMITATIONS.

In designing the program required by this Act, the Commission shall—

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

(2) ensure that broadcasting of the program specified in section 2(b) will not cause harmful interference with signals in the digital television service;

(3) not require the analog television service signals broadcast under this Act to be retransmitted or otherwise carried pursuant to section 325(b), 338, 339, 340, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 325(b), 338, 339, 340, 614, or 615);

(4) take into consideration broadcasters' digital power levels and transition and coordination plans that already have been adopted with respect to cable systems and satellite carriers' systems;

(5) prohibit any broadcast of analog television service signals under section 2(b) on any spectrum that is approved or pending approval by the Commission to be used for public safety radio services, including television channels 14-20; and

(6) not include the analog spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television broadcasting pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 4. DEFINITIONS.

As used in this Act, the term "emergency information" has the meaning such term has under part 79 of the regulations of the Federal Communications Commission (47 C.F.R. part 79).

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of S. 3663, the Short-term Analog Flash and Emergency Readiness Act.

On February 18, 2009, full-power television stations in the United States will stop broadcasting in analog and transition to all-digital broadcasting. This is undoubtedly an important step forward for our country; it allows us to more efficiently utilize our airwaves, and to lay the groundwork for a nationwide public safety network. However, we must proceed with caution to ensure that segments of our population are not left behind and remain informed in cases of emergency.

That is why I introduced the SAFER Act. This bill creates a program within the FCC that allows for the continuation of analog signals to televisions

for 30 days following the DTV transition. It ensures that, once the digital television transition has taken place, unprepared analog televisions will receive a short "slide"—in English and Spanish—explaining that the digital transition has occurred and what viewers need to do to continue receiving television broadcasts. The bill also allows for emergency communications, such as natural disaster alerts, to be broadcast to unprepared analog televisions. The fires that raged through my congressional district and other parts of southern California last month are an example of alerts that could be broadcast to television viewers who were unprepared for the DTV transition.

According to the GAO, over 17 million households rely exclusively on analog over-the-air television, and while broadcasters, the FCC and others have been working furiously to let them know about the upcoming transition, there will inevitably be some folks left behind. In fact, that is exactly what happened after an FCC "test" transition in Wilmington, NC. Despite saturation advertising announcing the change and a geographic topography most conducive to it, nearly 2,000 households woke up to find that their televisions did not work; when extrapolated to the entire Nation this could mean that at least 1.5 million households will wake up on February 18 without a working television.

We also know that certain segments of our population will likely be disproportionately impacted by the digital transition: Latinos, African Americans, and seniors. As someone who represents a congressional district that is 42 percent Latino and has many senior citizens, I find this very troubling. Clearly, we should be doing everything we can to ensure that no Americans are left behind during this important time.

Mr. Speaker, I am grateful to my colleague Senator ROCKEFELLER and his staff for taking leadership on this important bill in the Senate, and to Chairman DINGELL and his staff for working closely with us to ensure that no one is left behind by the DTV transition.

I urge my colleagues to support S. 3663, the Short-term Analog Flash and Emergency Readiness Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill that was just passed by the House.

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

There was no objection.

MAKING A TECHNICAL CORRECTION TO THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that the Committees on Energy and Commerce, Education and Labor, and Ways and Means be discharged from further consideration of the Senate bill (S. 3712) to make a technical correction in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The text of the Senate bill is as follows:

S. 3712

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

SECTION 1. TECHNICAL CORRECTION IN MENTAL HEALTH PARITY EFFECTIVE DATE.

Section 512(e)(2)(B) of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (subtitle B of title V of division C of Public Law 110-343) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPPS. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just passed by the House.

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

There was no objection.

ENSURING THAT THE COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF STATE ARE THOSE WHICH WERE IN EFFECT ON JANUARY 1, 2007

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S.J. Res. 46 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

Mr. ISSA. Mr. Speaker, I reserve the right to object. If I could inquire of the gentleman: Would this bill, in fact, proactively cover the Secretary of State if it is Senator HILLARY CLINTON?

Mr. DAVIS of Illinois. Yes, it covers whoever is nominated.

Mr. ISSA. A further inquiry: Would this cover anyone in the House or in the Senate who had voted on a pay package in the House or in the Senate so that they could then become the Secretary of State?

Mr. DAVIS of Illinois. As written, it does not.

Mr. ISSA. So who would it be limited to?

Mr. DAVIS of Illinois. It would be limited to those in the position of Secretary of State.

Mr. ISSA. So it would be limited to the Secretary of State. Regardless of where they came from, they would be frozen at this year's pay as a result of this bill?

Mr. DAVIS of Illinois. That is correct.

Mr. ISSA. A last inquiry: If I understand correctly then, in every way possible, this piece of legislation passed in this Congress would, by definition, by freezing the pay, actually be, though relatively small, a savings to the taxpayers?

Mr. DAVIS of Illinois. Correct, it would.

Mr. ISSA. With that, I withdraw my reservation.

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

There was no objection.

The text of the Senate joint resolution is as follows:

S. J. RES. 46

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF STATE.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of State shall be those in effect January 1, 2007, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2007, and ending at noon of January 3, 2013.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of State may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of State under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(C) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 2100

THE TERRORIST ATTACKS IN MUMBAI, INDIA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. In the recent week, we watched in horror as terrorists, criminals, and people who are uncaring attacked the innocent people of Mumbai, India—a band of 10, attacking innocent persons in hotels, traveling to hospitals and to train stations, going to the Chabad religious community and killing recklessly.

Mr. Speaker, this should be a signal that we have to join together to again confront those who would terrorize the world. I know that this is going to be a place of conflict—Pakistan, Bangladesh, and India—but it is important for us to recognize that the people of India want peace, the people of Pakistan want peace, and the Bangladesh want peace, and the people in the Middle East want peace. But we must weed out those who would terrorize us. We need to join together in the effort of stamping out terrorism and meanwhile continue to secure the homeland.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**HOUSTON POLICE OFFICER
TIMOTHY ABERNETHY**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, for Houston police officer Timothy Abernethy, fighting crime was more than an occupation; it was his personal calling. Officer Abernethy was part of a special effort through the Houston Police Department to place more peace officers in high crime areas, which is why he was in an area of town that others tend to shy away from when he was shot and killed this past Sunday, December 7.

Working overtime and in a one-man patrol unit, Abernethy had pulled over a 28-year-old male for a traffic violation. As the man and the officer talked, the individual made a run for it and Officer Abernethy pursued him on foot through a nearby northwest Houston apartment complex. Tragically, the coward of a man, who happened to be out on parole, hid and ambushed Abernethy shooting him four times and killing him. The criminal has been apprehended and is charged with capital murder of a peace officer.

Officer Abernethy graduated May 27, 1997, from the Houston Police Academy, Class 170. During his 11-year HPD career, he was assigned to patrol at the North Command station and served with the HPD Search and Recovery Dive Team. Recently, Abernethy was part of an HPD bomb squad and was due to be transferred full-time to this squad.

Officer Abernethy is remembered as a giving person. His Captain, Ceaser Moore, recalls a time during Hurricane Ike this past fall when his power was out for weeks, and even though Abernethy already had his in-laws staying with him, he invited Captain Moore to stay with him until electricity was restored.

Officer Abernethy was the type of person who worked hard not only to improve his community but also himself. He worked successfully to obtain a degree while he was a member of the Houston Police Department.

Prior to joining the Houston Police Department, Officer Abernethy served in the United States Navy in the Submarine Corps.

Officer Abernethy is survived by his wife Stephanie, his son Timothy Scott Abernethy, Junior, and his daughter Olivia Ann Abernethy.

His only son, Tim, Jr., followed in his father's footsteps and joined the United States Navy so that he, too, could serve his country. Abernethy's daughter Olivia is a 2008 graduate of Texas A&M University in College Station, Texas.

Officer Abernethy was a man of honor who was dedicated to making our world a safer place for the rest of us. He will be greatly missed by citizens and peace officers alike. He was one of Houston's finest. Mr. Speaker, he was a cut above the rest of us.