may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1.

And while I'm at it, I want to express my understanding that apparently an ice storm is on the way, and I appreciate the cooperation we've had from both sides of the aisle in ending this debate a mite early so that people can get to their homes before the ice storm hits.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

DTV DELAY ACT

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 328) to postpone the DTV transition date, as amended.

The Clerk read the title of the Senate bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

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 the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the legislation now pending.

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

There was no objection.

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

Madam Speaker, today we take a highly regrettable, but necessary, step and delay the date for the digital television transition from the currently scheduled February 17 until June 12. With this delay, and the additional funding for the program which the stimulus measure will provide, we can assure a smooth transition and avoid the disruption and the loss of television service by millions of American homes that otherwise would occur.

Yesterday, the Nielsen service that surveys and reports on television viewing in America reported that more than 6 million American households that have over-the-air dependent analog television sets are completely unprepared for the transition. Those homes will lose service if analog broadcast ends on February 17. These 6 million homes do not have cable or satellite subscriptions, they depend on the use of rabbit ears or outdoor antennas in order to receive television service delivered over the air.

More than 3 million applications for converter box coupons are currently pending at the NTIA, and the program is currently out of funds. These 3 million pending coupons, therefore, cannot be honored.

It's truly unfortunate that the situation that we now confront was completely avoidable, but previous action to avoid it simply was not taken. Many of us warned years ago, when the legislation setting the February 17 DTV transition date passed, that the $1.34 billion set aside for the coupon program for converter boxes was not sufficient. We pointed out that there are 70 million analog television sets in service in the U.S. that are over-the-air dependent. These television sets receive their television signals through the use of rabbit ears or outdoor antennas. The $1.34 billion finances converter boxes for less than one half that number. It simply was not realistic to assume that more than one-half of these 70 million sets would simply be discarded.

The decision was consciously made at the outset that only $1.34 billion in revenues from the 700 megahertz auction—which itself derived more than $20 billion in revenues—would be expended in order to ease this transition and assure

that people do have over-the-air dependent analog sets could get some assistance in purchasing converter boxes. At the time, we were requesting a higher number. We suggested that approximately $2.3 billion was what was needed. And we now know that that number is closer to the mark of what the actual need is.

Beyond the problem of converter boxes and inadequate funding to finance the coupons for them, the call centers that the Federal Communications Commission is charged with operating under the statute in order to answer inquiries from people who have problems with the transition—connecting their converter boxes, or doing other things like adjusting their antenna in order to receive a digital signal—are today understaffed. These call centers do not have enough personnel to answer the many calls that are coming into the centers at the present time. And that call volume will only increase as the transition date approaches and occurs. They are understaffed today. They will be more understaffed unless additional resources are provided and time is provided for appropriate staffing.

And so today we have no alternative but to delay the transition date and provide in the stimulus measure the funding that should have been allocated for this program years ago. I regret the disadvantage that this delay will cause for the first responders and the public service agencies across the country that are awaiting access to portions of the 700 megahertz spectrum now occupied by analog broadcasting which will be vacated when analog broadcasting ends. These first responders have been counting on receiving that spectrum in order to have fully interoperable national communications first responder agency to first responder agency, and that is a clear need. Their portion of the spectrum now will not become available until June 12 under the terms of this bill.

But I would suggest, Mr. Speaker, that a far greater public service concern is allowing this transition to go forward at a time when 6 million households will be completely unprepared for it. People rely upon over-the-air television in order to receive vital safety information, information about natural disasters that can affect that individual in that home; and that information is vital to enable people to prepare. Yes, we are going to delay the arrival of this spectrum by 4 months for public safety agencies. But the far greater public safety concern lies in not taking this step.

And I would note that the legislation we are proposing tonight has been endorsed by a variety of public service agencies that are saying today that it is important that this delay occur, and specifically, that is the International Association of Chiefs of Police, the Association of Public Safety Communications Officials—and these are the individuals directly responsible within these first responder agencies for their communications equipment—and also the International Association of Fire Chiefs.

I also, Mr. Speaker, regret the disadvantage of this delay for the commercial wireless service providers who bought their portion of the analog spectrum for approximately $20 billion. But I would note, Mr. Speaker, that AT&T and Verizon, the companies that purchased most of the spectrum and contributed most of that $20 billion, have endorsed the legislation that is pending tonight and have said that this delay is appropriate.

I also regret the added cost that will be imposed on the TV broadcasters who had planned to turn off their analog transmitters on February 17 and now will incur higher than expected electricity and transmitter maintenance costs until June of this year, but at this juncture we simply have no choice.

I rise in support of the bill before the House tonight and ask Members to give their approval. The measure before us was approved last night in the Senate, and that vote was unanimous. It actually passed by unanimous consent, meaning that every Member of the Senate had an opportunity to object, and not one Senator raised an objection to this measure.

In addition to changing the transition date to June 12, the bill directs that coupons for converter boxes be sent by first class mail rather than the third class mail currently used by NTIA for delivery. The bill makes eligible for new coupons households whose previously issued coupons have expired. That's an important new provision. Many homes requested coupons some time ago and did not redeem them within their stated life.

The bill allows television stations to turn off analog broadcasts before June 12 in markets deemed by the FCC to be transition ready. And we fully anticipate that the FCC will be very flexible in applying this provision and will actually allow the transition to occur in markets prior to the 30-day period that current FCC regulations suggest the applications must pend before they're acted upon. We think a shorter time period for this would be appropriate.

□ 2030

The bill also requires NTIA to provide a monthly report to the Congress from this time forward on the progress with the coupon program.

One final word, Mr. Speaker, before I reserve the balance of my time. Another delay in the digital transition beyond the one contained in this bill tonight will simply not occur. I will strongly oppose any effort to delay the transition beyond June 12, and I strongly discourage anyone from requesting that another delay be provided. This delay is a one-time occurrence taking place for predictable but extraordinary reasons, and no additional delay will be considered in our committee.

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

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, before I begin my remarks on the issue, I want to extend my personal heartfelt condolences to my good friend Mr. BOUCHER, the passing of his mother.

We feel strongly for you in your loss, and our prayers are with you as you undergo that transition.

Mr. Speaker, I rise in strong opposition to Senate 328. It's a solution looking for a problem.

We have had on the books since 1996 a requirement that at some point in time, the United States telecommunication network in terms of television broadcast transits from analog to digital. Under the old law, that transition was supposed to occur when 85 percent of the households in America had the ability to receive a digital signal.

Three years ago in the Budget Reconciliation Act, we changed that to give a hard date of February 17, 2009. If we had not had changed the law, we would have already undergone the transition because 95 percent of America's households now can receive a digital television signal. But the legislation that we passed three years ago put a hard date to create certainty of February 17, 2009.

Now, we know that there are some problems in the transition. Until several weeks ago, we were working collectively, collaboratively with our friends in the majority to move a bill that would tweak the accounting or provide an additional $250 million not in appropriations but in authorization for the coupon program that Mr. BOUCHER has spoken about. Then the Obama transition team, in their infinite wisdom, decided that they wanted a delay, and as far as I can tell, and I could be corrected on this, they didn't consult with any of our legislative experts on either side of the aisle in either body, the House or the Senate. They just sent up a letter or a message to the majority side that they wanted this delay, and those discussions that we had on a bipartisan basis broke down.

We could do nothing worse than to delay this date. Now, I will admit that I am pleased to note that we now know that the perfect date is June 12. I wish I had known that 3 years ago when I was chairman of the committee working on this. If I had known that June 12 was the perfect date, we might have agreed with it. But we didn't know that. So we chose February 17, which was after the Super Bowl but before the Masters and before March Madness in NCAA. That's kind of where we picked this February 17 date.

I respect totally my friend from Virginia and his facts and figures. He's one of the most well-informed Members of this body. But on the number of households that are not yet ready, the number of over-the-air households who don't have satellite and don't have

cable is less than 1 million. We think it's about 800,000. And all the other households are ready to go.

And if you're a true conservative, you could argue that there shouldn't be any coupon redemption program, that people should pay out of their pockets.

Now, I have a confession to make, Mr. Speaker. I'm one of those consumers who's not yet ready. It's not because I don't know the transition's not upon us. It's not because I don't want to be ready. It's because I just haven't got around to it. And I, quite frankly, have the means that if I need to, I can pay $40 out of my own pocket to buy a converter box.

The SPEAKER pro tempore (Mr. PERRIELLO). The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 additional minute.

But when we were negotiating this with our friends that were then in the minority, now in the majority 3 years ago, they felt like we should defray the cost of these converter boxes. They also felt like we shouldn't means test it so that a billionaire, if they wanted to, could get a coupon. So we've actually sent out 13½ million coupons for 14 million over-the-air households that don't have satellite or cable. My guess is that most of the households that don't have these coupons are households like me, that for whatever reason they have chosen, they don't want to burden the government, they just don't feel like they want the hassle of asking for the coupon, whatever. I guarantee you no matter when you set the date, February 17, June 12, July the 4th, Valentine's Day, there are going to be some people that aren't ready.

We need to keep this hard date. We need to defeat this bill under suspension. We need to let the February 17 date go forward, Mr. Speaker.

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank my good friend from Texas, the ranking member of our Energy and Commerce Committee (Mr. BARTON) for his kind remarks acknowledging the loss that my family has recently suffered. I've been away for 3 weeks. This is actually my first day back, and his kind remarks both here and in the markup session before our Energy and Commerce Committee are deeply appreciated.

I would say, in response to the gentleman's suggestion, that the real number of households that would lose television service completely if this transition occurs on February 17 is 6 million. It is not the lower number that the gentleman suggested of somewhere between, I think he said, 750,000 and 1 million. And that 6 million number is not mine. That number comes from the Nielsen service. And the Nielsen company is perhaps, well, I don't want to say the most widely respected. I don't know that for a fact. But it is a widely respected national reporting service.

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

Mr. BOUCHER. Mr. Speaker, I yield myself 1 additional minute.

It is a widely respected national reporting service that surveys television viewing habits in America. And it is based on the surveys done by the Nielsen service that, for example, television commercial rates can be set. There's that level of confidence in the reporting that Nielsen does. And Nielsen has just reported that the number of homes that are unprepared constitute fully 5.7 percent of all U.S. households; yet the actual number is 6.5 million homes, and these are homes that do not have cable or satellite connections. These homes are completely dependent on rabbit ears or outdoor antennas and receive over the air only television. These are the number of families that would lose reception if the transition takes place as scheduled in 3 weeks' time.

I don't want to delay this transition any more than the gentleman from Texas, and the last thing I wanted to be doing this week was to be here on the floor advocating a delay, but we simply have no choice. We can't permit the level of dislocation that otherwise would occur to take place.

So I do support the legislation. I think it is necessary. I think these are the best numbers that we're going to have available to us in determining how many households are truly unprepared.

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

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 3 minutes to the ranking member of the Telecommunications Subcommittee of the Energy and Commerce Committee, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my distinguished chairman, and I also give Mr. BOUCHER my condolences and sympathy on the death of his mother.

I rise in strong opposition to this bill. And I want to tell my colleagues that I had the opportunity to ask President Barack Obama a question 3 hours ago on this very debate. And I asked him, I said, Mr. President, in light of the fact that you have a stimulus package that you're pushing and you want to create more jobs, then certainly broadband and digital television and third and fourth generation wireless will do just that. And he agreed. And I said, Then why would you want to delay the transition when we have spent all this money, billions of dollars, to publicize the date? We're going to waste all this time and money, and it's going to create a hardship for the broadcasters and so many other people. We should go ahead with this transition.

He said, Well, well.

I said, Now, if it's a question of money, Secretary Gutierrez sent a letter last year indicating $250 million would take care of anything; so it's not a question of money.

So the President said, Well, I agree with you, it's not a question of money, but it appears to be some kind of administrative or accounting problem that we need to fix.

Well, I said to the President, I said, Mr. President, we had a demonstration project in Wilmington, North Carolina, in which we had a transition, and it turns out almost 99 percent of the people were satisfied. So the demonstration project in Wilmington, North Carolina, showed that we could transition back in September in Wilmington. Surely, we can transition February 17 in the United States.

I liken this to a football stadium. Just bear we with me for this metaphor, this example. Let's say you have a large stadium with 90,000 people in it, and it actually takes 92,000 people. Well, it turns out at the front door, the door is locked. By chance a nail is caught in the door, and there are 2,000 people, just 2,000 people out there that can't get into this championship game. And the coin is tossed, they're ready to go, the lights are there, the televisions are going, everybody's roaring, they're waiting for the kickoff; and suddenly they say we've got to stop the game because these very few people, maybe 1 percent, maybe 1½ percent, can't get in the stadium; so we're going to stop the whole game because of those people. And that's what we have here. That is the analogy. We're delaying legislation on a very, very small amount. And, frankly, the demonstration in Wilmington, North Carolina, showed that we are ready to go.

Mr. Obama has made it a priority to make the government work for the people. So now in his first decision in his administration and this Congress, we're saying delay, delay, delay. We're going to delay and put a placeholder on this, and then the consumer is going to have to hold off. And by delaying 115 days, we are sending, I think, the wrong message to the people who are trying to put this in place.

So if you look at the players on the field, they're ready to go. All the stakeholders are ready to go. I urge you to defeat this.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a distinguished member of the full committee and the subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

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

□ 2045

Mr. SHIMKUS. Mr. Speaker, I too want to congratulate Chairman Boucher on his ascension to the Telecommunications Subcommittee. We have had a great working relationship, I look forward to doing it again.

But this is bad policy, and I am sad that you are the one who has to come and try to pawn it off on the American people.

Chairman DINGELL always used to talk about the takings clause, passing litigation and then the aspect of litigation. We have auctioned spectrum off. We have got small broadcasters who have people lined up to climb the towers, to do the transition, and we are saying, stop.

I know what I have done in my district. I have been working for 8 months with public service announcements, going to senior centers, newsletters, I have done about everything a Member can do to educate my individuals.

What I did today was I asked when was income tax day enacted into law, 1955. Everyone knows April 15 is the day you pay your taxes. Guess how many people we had not pay their taxes on April 15 last year, 12 million people, advertised, historic, annual.

The reason why we have this provision is because of the 9/11 Commission, the ability for the spectrum to be released for first-line responders to develop interoperability. Woe be it to us, Mr. BARTON, woe be it to us, Chairman BOUCHER, and we have another national catastrophe in these next months and we have failed to enact interoperability and released the spectrum to first-line responders so they can communicate with each other.

Mr. BOUCHER. Mr. Speaker, I yield to myself 2 minutes.

I appreciate very much the always eloquently expressed thoughts of my friend from Illinois.

Let me say in response that this legislation has been endorsed by some of the same groups that I have concern about and that the gentleman has also expressed concern about. Yes, it is true that the 700 megahertz spectrum, large portions of it, were auctioned for commercial services and purchased. The two largest purchasers of that spectrum were AT&T and Verizon, and we have endorsements from both AT&T and Verizon for the legislation delaying this transition.

It is true that other portions of the spectrum will eventually go to the first-responder community. And I am concerned about that community. We have a clear need to deploy fully interoperable telecommunications on a nationwide basis so that a fire department from one community can talk to a fire department or rescue squad or law enforcement agency from another community when they all converge on an event somewhere. Today we sadly don't have that capability, at least not fully deployed, and making the spectrum available will enable that to happen, and I am concerned about the delay.

But I would note that this delay has been endorsed for necessary and sufficient reason by the International Association of Chiefs of Police, by the Association of Public-Safety Communications Officials, who are responsible for their telecommunications equipment, and by the International Association of Fire Chiefs. And so the very people about whom we are concerned have said this delay is okay.

It is the last thing that I wanted to have to do, but we literally, at this point, have no choice.

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

Mr. BOUCHER. Mr. Speaker, I yield myself an additional 30 seconds.

I would like to include this report from the Nielsen Company indicating that 6.5 million American households will lose television service completely because they don't have cable or satellite service and are simply not ready if the transition occurs on February 17.

[From nielsenmedia.com, Jan. 22, 2009]

5.7% OF U.S. HOUSEHOLDS STILL UNPREPARED FOR THE SWITCH TO DIGITAL TELEVISION

NEW YORK, NY.—More than 6.5 million U.S. households—or 5.7 percent of all homes—are not ready for the upcoming transition to all-digital broadcasting and would be unable to receive any television programming at all if the transition occurred today, The Nielsen Company reported today. This is an improvement of more than 1.3 million homes since Nielsen reported readiness status at the end of December.

TABLE 1.—PERCENTAGE OF HOUSEHOLDS THAT ARE COMPLETELY UNREADY FOR THE DIGITAL TRANSITION

Preparedness as of:	Overall	White	African-American	Hispanic	Asian	Under age 35	Over age 55
Jan. 18, 2009	5.7	4.6	9.9	9.7	6.9	8.8	4.0
Dec. 21, 2008	6.8	5.6	10.8	11.5	8.1	9.9	5.2

Source: The Nielsen Company.

Under government-mandated action, all television stations are required to switch to digital programming by February 17, 2009, which will leave viewers without a television signal unless they purchase digital television sets, connect to cable, satellite, and alternate delivery systems or purchase a converter box.

Nielsen is making these estimates available as a public service to the television industry, government policy-makers and local communities. This information is based on the same national and local television ratings samples that are used to generate national and local television ratings. To conduct the survey, Nielsen representatives observed and tabulated the actual televisions used in its samples. Because Nielsen has developed samples that reflect the total U.S. population including African American and Hispanic populations, these household characteristics in the samples can be projected to the whole country.

''Nielsen has been preparing for the transition to digital television for more than two years,'' said Nielsen Vice Chair Susan Whiting. ''Because we recognize that accurate and reliable information on consumer behavior is essential to this transition, we've been sharing our data with clients, government leaders and the public so they could track progress to digital readiness.''

''There are still millions of people who will be adversely affected because they are not ready for the digital transition. So it's critical that we provide them with the information and resources they need to stay connected with the world,'' said Ernest W. Bromley, Nielsen Hispanic/Latino Advisory Council (HLAC).

''Nielsen has played a key role in reaching out to our underserved communities and helping them understand what needs to be done,'' said Nita Song, Nielsen Asian Pacific American Advisory Council (APAAC).

''It is imperative that we operate at an accelerated pace to educate those who are at the greatest risk of losing their television service—low-income households, large numbers of senior, minority and disabled viewers. These viewers rely on traditional television the most and can least afford to lose their television lifelines. We have a responsibility to make sure that these groups whether in our families, churches or communities are equipped and ready for this transition,'' said Cynthia Perkins-Roberts, Nielsen African American Advisory Council (AAAC).

LOCAL MARKET RANKINGS

Among the 56 local markets that Nielsen measures with electronic meters, the one that is least ready is Albuquerque-Santa Fe, with 12.4% of the households completely unready. The most prepared market is Hartford & New Haven, with only 1.8% of homes unready.

TABLE 2.—LEAST PREPARED LOCAL METERED MARKETS BASED ON PERCENTAGE OF HOUSEHOLDS CURRENTLY UNPREPARED FOR DIGITAL CONVERSION

	Percent		
	Completely ready	Partially ready	Completely unready
National people meter sample	85.08	9.24	5.68

TABLE 2.—LEAST PREPARED LOCAL METERED MARKETS BASED ON PERCENTAGE OF HOUSEHOLDS CURRENTLY UNPREPARED FOR DIGITAL CONVERSION—Continued

	Percent		
	Completely ready	Partially ready	Completely unready
Local metered samples	82.31	12.36	5.33
Albuquerque-Santa Fe	81.29	6.47	12.24
Dallas-Ft. Worth	77.39	12.40	10.21
Houston	72.63	17.42	9.95
Tulsa	76.50	13.97	9.53
Portland, OR	80.85	10.08	9.08
Salt Lake City	81.58	9.85	8.58
Memphis	73.31	18.16	8.53
Austin	80.73	10.82	8.45
Los Angeles	82.54	9.80	7.66
Sacramento-Stkton-Modesto	77.04	15.63	7.33
Phoenix (Prescott)	77.82	14.87	7.31
Jacksonville	80.89	12.09	7.02
Dayton	75.14	17.98	6.88
Greenvll-Spart-Ashevll-And	84.94	8.37	6.69
Indianapolis	72.71	20.76	6.53
Milwaukee	73.94	19.63	6.43
San Antonio	77.19	16.61	6.20
Richmond-Petersburg	77.04	16.83	6.13
San Diego	84.42	9.64	5.94
Cleveland-Akron (Canton)	81.86	12.22	5.91
Minneapolis-St. Paul	78.21	15.94	5.85
Kansas City	75.88	18.37	5.75
Seattle-Tacoma	85.18	9.16	5.67
Miami-Ft. Lauderdale	83.11	11.41	5.47
St. Louis	79.72	15.02	5.26
Cincinnati	72.62	22.17	5.21
San Francisco-Oak-San Jose	89.45	5.35	5.20
Chicago	82.00	12.82	5.18
Las Vegas	81.79	13.04	5.17
Birmingham (Ann and Tusc)	82.91	12.23	4.86
Charlotte	85.50	9.72	4.79
Denver	81.24	14.01	4.75
Louisville	80.66	14.75	4.59
Nashville	81.58	14.01	4.41
Detroit	83.18	12.42	4.40
Raleigh-Durham (Fayetvlle)	80.47	15.15	4.38
New Orleans	84.14	11.51	4.35
Columbus, OH	79.64	16.08	4.29
Buffalo	86.04	9.69	4.27
Tampa-St. Pete (Sarasota)	89.47	6.39	4.14

TABLE 2.—LEAST PREPARED LOCAL METERED MARKETS BASED ON PERCENTAGE OF HOUSEHOLDS CURRENTLY UNPREPARED FOR DIGITAL CONVERSION—Continued

	Percent		
	Completely ready	Partially ready	Completely unready
Washington, DC (Hagrstwn)	81.76	14.16	4.08
Orlando-Daytona Bch-Melbrn	86.30	9.79	3.91
Norfolk-Portsmth-Newpt Nws	79.97	16.25	3.78
Baltimore	79.91	16.34	3.75
Greensboro-H.Point-W.Salem	85.20	11.38	3.42
Knoxville	84.78	12.02	3.20
Providence-New Bedford	83.25	13.56	3.20
Oklahoma City	85.62	11.31	3.07
Pittsburgh	88.89	8.07	3.05
Ft. Myers-Naples	89.55	7.48	2.98
West Palm Beach-Ft. Pierce	90.86	6.47	2.67
New York	92.51	4.93	2.57
Boston (Manchester)	84.05	13.70	2.25
Philadelphia	87.37	10.53	2.10
Atlanta	89.66	8.31	2.02
Hartford & New Haven	87.91	10.34	1.76

Source: The Nielsen Company.

Mr. SHIMKUS. Would the gentleman yield?

Mr. BOUCHER. I will be happy to yield. But to keep this absolutely proper, let me yield to myself an additional minute, and I am happy to yield to the gentleman from Illinois.

Mr. SHIMKUS. Thank you for yielding the time. I appreciate that.

You know, I chair the E–911 Caucus, and I have worked across in a bipartisan basis with now Secretary of State Hillary Clinton, who was on the Senate side.

I would ask if the National Emergency Number Association, NENA, which is the premier association that supports first-time responders, if they provided a recommendation on this legislation—I see staff saying yes.

Mr. BOUCHER. Will the gentleman permit me just one moment, please. The answer is the association the gentleman identified has sent a communication to us endorsing this delay.

Mr. SHIMKUS. Would the gentleman include that for the record?

Mr. BOUCHER. I will be happy to include that for the record. We will collect whatever is appropriate and be happy to do so.

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

Mr. BARTON of Texas. Mr. Speaker, I would like to include for the RECORD a letter from the Fraternal Order of Police opposing this legislation.

NATIONAL
FRATERNAL ORDER OF POLICE,
Washington, DC, January 23, 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.

I want to yield 2 minutes to the distinguished former chairman of the Agriculture Committee and the current ranking member, Mr. GOODLATTE.

Mr. GOODLATTE. Thank you, Mr. Chairman.

Mr. Speaker, I want to welcome my good friend and neighbor back to the House and offer my condolences as well regarding the passing of his mother, who I never had the opportunity to meet, but who I heard much about from my good friend, who is rightfully proud of her record as an attorney and a public office holder in his hometown of Abingdon, Virginia.

I rise, however, in opposition to the legislation that is offered today. This is of great concern to me and to the television broadcasters and emergency services personnel and others in my district. Since the decision to switch from analog to digital television, there has been a massive public awareness campaign that has been very successful in identifying February 17 as the day of transition.

This legislation, S. 328, will delay the switch, would undermine this transition and require another massive public outreach campaign to make the public aware. The American public has had almost 3 years to prepare for this transition for which entire industries have had to adapt, and the American public is ready. Forcing them to do so for what will essentially prove to be an arbitrary deadline will set a dangerous precedent that could easily lead to more delays and would likely result in an onslaught of lawsuits.

Delaying access to the 700 megahertz spectrum will unfairly prevent those entities that have been awarded access to this bandwidth from having immediate access, again, something that has been planned for several years. This is particularly troubling when considering our first responders, the very individuals that we sought to aid with this initiative in response to the communications blunder that occurred during the terrorist attacks of September 11, 2001.

Some claim that this delay will not prevent first responders from accessing this bandwidth, but that is simply not true. Television stations will have to stop broadcasting on channels that are sought for communications.

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

Mr. BARTON of Texas. I yield the gentleman an additional 15 seconds.

Mr. GOODLATTE. I would simply ask that the remainder of my statement be made a part of the RECORD and urge my colleagues to oppose this legislation.

Since the decision to switch from analog to digital television, there has been a massive public awareness campaign that has been very successful in identifying February 17 as the day of transition. This legislation, S. 328 will delay the switch, would undermine this recognition and require another massive outreach campaign to make the public aware.

The American public has had almost 3 years to prepare for this transition, for which entire industries have had to adapt. Forcing them to do so for what will essentially prove to be an arbitrary deadline will set a dangerous precedent that could easily lead to more delays, and will likely result in an onslaught of lawsuits.

Delaying access to the 700 MHz spectrum will unfairly prevent those entities that have been awarded access to this bandwidth from having immediate access—again something that has been planned for several years. This is particularly troubling when considering our first responders, the very individuals that we sought to aid with this initiative in response to the communications blunder that occurred during the terrorist attacks of September 11,

2001. Some claim that this delay will not prevent first responders from accessing this bandwidth, but that is simply not true. Television stations will have to stop broadcasting on channels that are sought for communications and neighboring channels will also have to be cleared to avoid interference.

Delaying the transition will also hinder the deployment of broadband, something that has also been planned for years, and will unfairly limit the companies and consumers that plan on utilizing this type of broadband access.

Furthermore, this proposed delay is being used to justify $650 million in new spending in the proposed new economic stimulus bill. In a time of economic distress and budgetary disarray, increasing the debt to American taxpayers by hundreds of millions of dollars hardly seems prudent. In fact, this legislation will work against any effort to stimulate the economy because the economic activity and growth that comes with deploying new broadband technology and new emergency communication will be delayed.

There are some reports that nearly 93 percent of households affected by this switch are already prepared, deeming this legislation excessive and overly burdensome.

I urge my colleagues to oppose this legislation.

Mr. BARTON of Texas. I would like to yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank my ranking subcommittee chairman for the time.

Let me get right at it. The 1996 law that this law replaced said that when the marketplace had 85 percent of households with one television that could receive digital, this transition could occur.

The law that we passed a couple of years ago said, no, we are going to work this a little differently. We will set a hard date, we will make coupons available to do all of this. Currently, 94.3 percent of American households have a television that receives digital or that has the ability to receive digital signal.

So remember the old law that we updated said 85 percent could make this change today, or 94 percent. Only exclusively over-the-air homes without a digital division or converter box are at risk of losing all television service. Now, again, Nielsen, the rating service, says there are 3.4 million exclusively over-the-air homes, and already we have sent 13.5 million coupons to 13.5 million of those homes, leaving 800,000 exclusively over-the-air households that have not yet received the coupons.

Approximately 600,000 of them, however, are on the waiting list. This all gets down to a couple hundred thousand people. This could simple easily be solved by simply changing the accounting rules and allowing NTIA to go ahead and send out those coupons.

Mr. Speaker, I would also like to include for the RECORD letters from television stations in Oregon who point out that this delay will cost them upwards of $1 million in added energy costs at a time when they are having to lay off staff who do news coverage and other things because now they are going to get saddled with this burden, $500,000 to $1 million.

JANUARY 8, 2009.

Hon. GREG WALDEN,
Longworth House Office Building,
Washington, DC.

DEAR GREG, I hope this note finds you well. This letter is in reference to the possible delay of the DTV transition date for broadcasters from the scheduled date of February 17, 2009. Changing the date at this time would unravel a tremendous amount of work done by broadcasters to educate consumers about DTV, and most likely do more harm than good.

Attached find a list of issues from our Director of Engineering, Karl Sargent, related to the possible change of dates.

We hope you have success in keeping the date we have all been working towards, and please do not hesitate to let me know if you have any questions.

Sincerely,

BOB WISE,
Vice President/General Manager,
KOBI–TV/KOTI–TV.

DELAY OF DIGITAL TRANSITION

We feel the delay of the digital transition is not in the best interests of the viewer, broadcaster, or country in general.

Delaying the transition will place doubt and uncertainty in the mind of the public. We have been diligently informing them of the positive benefits of the transition and it will now place doubt in their mind that technologically, it is not ready or up to its promises of improved TV performance.

Stations have spent a lot of money in their digital facilities, allowing the analog facilities to deteriorate. It would be more cost to the broadcasters to now have to invest money into keeping the analog transmitters operating in parallel with the digital transmitters or they have to invest in short-term capital to keep the transmitters running (i.e. KOTI driver tube failure).

Delaying the transition for months will not rectify the public not being ready for the transition. In fact, it may make it worse. The public will feel that they now have time to back off their efforts to prepare. No matter when the transition takes place there are going to be viewers who are not prepared.

We need to make this transition now and get on to other critical items the stations have to do. In our case it is the capital improvement we still need to do to our station infrastructure to convert it to full digital and HD and to complete the Sprint-Nextel project.

We don't see any positives to the transition being delayed. We have been preparing for it for 5 years.

We are very concerned that the incoming administration will change the baseline rules and specifications of the digital transition. That would be a disaster in both money and time for both the viewers and broadcasters.

JANUARY 9, 2009.

To: Congressman Greg Walden, Second District, Oregon.

Fr: Jerry Upham, General Manager, KOHD Bend.

DEAR CONGRESSMAN, I was both shocked and disappointed to hear that Congress is considering delaying the implementation of the digital transition for television stations. With so much publicity and planning for this ''hard date,'' any change would result in huge consumer confusion, and give the indication that there really is no hard deadline. In addition, millions of consumers will feel like they were incorrectly advised—in a tough economic time—to spend money now to be able to receive their television signals.

At Chambers Communications, we've spent millions of dollars for this digital transition, and, in the case of KOHD, launched the station in 2006 with an exclusively digital signal. The decision to launch without a full power analog signal was made due to this upcoming deadline. KOHD has gone without an analog signal, and has sacrificed analog viewers during this time. If the deadline is pushed back, this will only extend the station's analog deficiency. Had we had an indication that this deadline would be extended, the company may have made a different decision with regard to an analog signal.

Please urge Congress not to extend this deadline, as both the private television sector and the public will be severely negatively affected by this decision.

Sincerely,

JERRY UPHAM,
KOHD General Manager.

JANUARY 9, 2009.

CONGRESSMAN WALDEN, thanks for including local broadcasters.

(1.) Tower lease agreements will have to be extended to continue to provide some outlying areas with analog.

(2.) We'll have to continue to operate two transmitters. (a.) Increase cost (b.) More energy consumption.

(3.) February ratings moved to March, making March non-useable.

(4.) People not ready today won't be ready in 3, 6 or 9 months unless forced to change because of the end of analog service.

(5.) All our efforts to inform the public for nothing and more confusion. If we change the date once, what's to say we don't change it again?

(6.) No credibility with the public.

(7.) Angry people who have already purchased new TVs, converter boxes or subscribed to cable or satellite adding extra expense.

I get the political road the new administration is following, but to change would only prolong the pain.

Thank you,

CHRISTOPHER T. GALLU,
General Manager,
NPG of Oregon, Inc.

JANUARY 9, 2009.

Hon. GREG WALDEN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WALDEN: I strongly urge Congress to resist changing the digital transition date of February 17, 2009. Broadcasters around the country have been mandated by the FCC to provide unprecedented promotion and news coverage of this important date. Millions of Americans have responded with obtaining coupons, calling broadcasters for information and preparing for this important milestone in the broadcasting industry. To delay implementation at this late juncture will most certainly confuse the American public even further. In addition, millions of consumers will feel they were misled and incorrectly advised, during these tough economic times, to spend money now to be able to receive their television signals. In addition, this will put an extra burden on broadcasters in the form of additional power usage for transmitters and man power.

Chambers Communications has invested millions of dollars for the digital transition and countless man-hours in its implementation and preparation for the Feb. 17 cut-off. I urge you to rebuff attempts to extend the deadline at this late date.

Sincerely,

RENARD N. MAIURI,
General Manager,
KDRV/KDKF TV.

JANUARY 8, 2009.

Congressman GREG WALDEN,
Washington, DC.

DEAR CONGRESSMAN WALDEN, I am writing to implore you to retain the digital transition date of February 17, 2009, for which we have been planning and preparing.

At the beginning of the transition, I was not in favor of a hard shut-off deadline, preferring that the market decide when analog was no longer needed. However, now that we have committed hundreds of hours of time to prepare for this change, invested hundreds of thousands of dollars to enable us to change, and literally broadcast thousands of announcements, all focused on this date, I believe that changing would be a mistake.

The key to successful implementation of any change, including a historic change such as this one, is communication. The efforts of local broadcasters to inform the viewers have reached beyond news stories, announcements, and crawls over programming, to in-person demonstrations, community talks, and talking to callers to walk through the unique needs for their location in their individual situation.

Broadcast television is my livelihood, so I don't take this position lightly. If this transition fails, and viewers lose access to free-over-the-air-TV, it will damage our ability to broadcast to the communities we are licensed to serve. Our best chance to succeed is to stick with this heavily promoted date, and trust that we will do whatever it takes to insure that all of our viewers are not left behind in the digital age.

Sincerely,

KINGSLEY KELLEY,
General Manager,
KTLV–TV.

FEBRUARY 8, 2009.

Hon. GREG WALDEN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WALDEN: I am deeply concerned and shocked that some in the Congress are considering delaying the nationwide DTV transition that is scheduled for February 17, 2009. I understand the concern given that the distribution of coupons has been suspended and those still wishing to receive a coupon have been put on a waiting list pending the authorization of additional funds. I urge you and other members of Congress to push for legislation that would immediately provide the necessary funds to fulfill the additional requested coupons.

This station has been planning for this DTV transition for over a year and along with my fellow broadcasters has been educating the public on this transition. Collectively the Medford market broadcast stations have run thousands of announcements regarding the transition and have also engaged in educating the public through numerous outreach activities. There will always be people that wait to the last moment or have not prepared themselves for the transition even though they know it is coming, and no delay is going to mitigate that problem.

Procedures are in place for helping the public with any problems they may incur during this transition and our engineers are ready to make the transition on February 17, 2009.

Given the amount of time we have spent educating the public that February 17, 2009 is the firm date, I believe that changing that date will cause an enormous amount of confusion and do great harm to an orderly transition.

Even if the date was changed for the transition we will not change our plans to transition on February 17, 2009.

Sincerely,

GARY D. JONES,
General Manager,
KMVU–TV.

Some of these stations, one of them is brand new, KOHD in Bend, went on air as digital only in anticipation of this date. And now this Congress apparently is going to move the date.

And then in the so-called stimulus bill we are going to borrow maybe $600 million, maybe from the Chinese, I don't know, that the next generation will get to pay back whenever that occurs so we can send out more coupons. This is a solution looking for a problem.

Mr. STEARNS. Mr. Speaker, can I ask how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Florida has 6 minutes and the gentleman from Virginia has 5½ minutes.

Mr. BOUCHER. Well, I would like to yield myself 30 seconds, Mr. Speaker.

I will submit for the RECORD a letter from the National Emergency Number Association, which I believe is the association that the gentleman from Illinois was referring to, and the chief executive officer of this association indicates support for the delay that is proposed in the legislation tonight.

Mr. STEARNS. Mr. Speaker, I am pleased to give time to the gentleman from Nebraska (Mr. TERRY) 2 minutes.

Mr. TERRY. Thank you. The ostensible goal of this legislation is to give consumers more time to prepare for the transition. But, unfortunately, this bill will only confuse customers by changing the date, cost more money and hurt public safety.

It will not give a single television viewer the coupon off the coupon waiting list. It will jeopardize the spectrum that police and firefighters say they need. Since 9/11 we have been hearing this, as our good friend from Virginia (Mr. BOUCHER) has already stated. And I don't know under what circumstances the national police chiefs and fire chiefs have written, but my local people are saying exactly the opposite.

And, also, this will jeopardize the spectrum that the original DTV legislation clears for advance wireless services, perhaps our Nation's quickest and most realistic way to improve broadband deployment, stimulate the economy and create jobs.

Now, if we are going to move this date to tornado season in Nebraska, let me use this Nebraska analogy about waiting so that we are at 100 percent of people already hooked up, which seems to be our new standard here.

Let me give you this story about Tom Osborne, three-time national championship coach of the Huskers. When he decided to run for Congress after being coach for, I think, almost 30 years, and three national championships, he polled and found out that he had name ID in Nebraska of 95 percent, meaning 5 percent of the Nebraskans had never heard of Tom Osborne. Yet, we are holding up this legislation here today because 5 percent of our Nation, although they may have the coupons in hand, have not hooked up yet.

If we are going to wait till 100 percent, we are going to come back and delay this again.

Mr. Speaker, we are ready. Nebraska is ready because of broadcasters and community groups in my district who have been preparing the population with educational efforts about this transition to digital television that have been on going for over a year now. They have worked very hard and I would like to recognize them for their efforts here on the floor.

The Nebraska Digital Television Conversion Coalition is comprised of not-for-profit organizations that have recognized the digital television conversion could be problematic for some in our society, including elderly and low income individuals. Members of this coalition include: Nebraska Educational Television, United Way of the Midlands, Nebraska Broadcasters Association, Little Brothers & Friends of the Elderly, the Nebraska Retail Federation, the Nebraska Office on Aging and my congressional office.

Mr. Speaker, please allow me to briefly describe one example of the problems my constituents will encounter if this bill becomes law. Nebraska Educational Television tells me that they will suffer both financially and technically because they will not be allowed to increase power at the six sites they have already converted to digital. At these six sites they have decommissioned the analog service and are digital only, this was done with permission from the FCC, which results in many of their viewers unable to receive the NETV signal until the power is strengthened.

My Nebraska Broadcasters Association is also opposed and I quote, "We plead with you Congressman Terry to oppose any effort to extend this date. Any change now would create an urgent need for a campaign far greater than the first to reverse the message indelibly affixed in the minds of Americans."

Lastly, Mr. Speaker, the ostensible goal of the legislation is to give consumers more time to prepare for the transition, but unfortunately, this bill will confuse consumers, cost more money, and hurt public safety:

It will not move a single television viewer off the coupon waiting list.

It will jeopardize the spectrum that police and firefighters said they needed 5 years to the day before September 11, 2001. The most important telecommunications-related recommendation of the 9/11 Commission was to make spectrum available for public safety by completing the digital television transition.

And it will jeopardize the spectrum that the original DTV legislation clears for advanced wireless services, perhaps our Nation's quickest and most realistic way to improve broadband deployment, stimulate the economy, and create jobs.

The DTV coupon program is not out of money; only half of the $1.5 billion in the coupon program has been spent on redeemed coupons. Instead of delaying the transition and spending hundreds of millions of dollars more, Congress has the opportunity to simple do what former Commerce Secretary Gutierrez suggested and modify the coupon program to allow all of those who have requested a coupon to get one.

I urge a "no" vote.

□ 2100

Mr. BARTON of Texas. Mr. Speaker, does the gentleman continue to reserve his time?

Mr. BOUCHER. I continue to reserve.

Mr. BARTON of Texas. I yield 2 minutes to one of our new members of the Energy and Commerce Committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong opposition to Senate bill 328, the DTV Delay Act. Due to the very rushed nature by which the legislation is being considered this evening, I have a number of concerns about both the policy and procedure represented within S. 328.

Basically, we are asked to vote on legislation that will have a significant impact on the telecommunications industry and our first responders without giving it proper consideration.

Mr. Speaker, the Nielsen Company estimated this past November that 93 percent of homes in the United States already had one or more TVs ready for the digital television transition. This same study indicates that 83 percent of households across the country are completely prepared for this transition.

Despite the fact that the vast majority of households across the country have taken the necessary steps to be ready for DTV transition, the DTV Delay Act would sacrifice the preparation of the masses as a means to assist the very few. Delay in this transition will only cost the taxpayers, needlessly, $750 million, at a time when we are facing a $1.2 trillion budget.

Mr. Speaker, the 9/11 Commission stated in its report that this transition should have occurred years ago to free up the lower frequency analog signals for police, firefighters, emergency personnel, and public officials. Because this transition has been years in the making, for the benefit of our brave first responders, I believe that we need to move forward in this transition as scheduled, instead of delaying it until June.

Mr. Speaker, delaying the digital television will only create more of a financial burden for American taxpayers and create further confusion among the public. For these reasons, I urge all my colleagues oppose the DTV Delay Act.

Mr. BARTON of Texas. I yield 1 minute to our very newest member of the Energy and Commerce Committee on the Republican side, the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I'd like to thank the gentleman from Texas for yielding, and I rise in opposition to this bill to delay the transfer to digital. I think if we look at what this could do for our economy, number one, we are talking about the problems that we are having in our economy right now, and we want to create good jobs. There are billions of dollars of investment that are sitting on the sidelines right now, waiting to move, waiting to create new technologies, and create good new jobs in our economy, that this delay will further hamper.

In addition to that, I think we need to be very concerned about what this means to our first responders. It was just read into the RECORD from the president of the National Fraternal Order of Police, but also what this would mean for our firefighters as they try to implement interoperable capabilities, something that we experienced after Katrina, we saw after September 11, something we need to get to. Something, again, this delay will only hurt their ability to make those changes that they want so desperately to make for the safety of our people all throughout the country.

So there are many strong reasons why we are ready to get this implementation to take place and why we should oppose any delay.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want the American people to know that the Republicans want to solve this problem. If we defeat this bill tomorrow under suspension, then hopefully we can reach across the aisle and work with our friends in the new Democrat majority to do things that actually solve the problem.

We can actually say that money that is in the Treasury that hasn't been spent on redemptions of coupons can be used to issue new coupons. We could even eliminate the coupon requirement. We could provide a small amount of additional funding.

I have a bill that I introduced this week that does most of those things. But if we need to do something differently, I pledge to the American people and my friends on the majority side that once we defeat this delay bill tomorrow, we still have time to work together on a bipartisan basis to put together a bill that does solve the problem, without delaying the hard date of February 17.

So, with all due respect, I would ask that we defeat S. 328, vote tomorrow not to suspend the rules, and then let's work together the rest of this week and next week to solve the problem. Vote "no" on S. 328.

I yield back the balance of my time.

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

I want to compliment my friend from Texas, the ranking Republican member of our Commerce Committee, Mr. BARTON; Mr. STEARNS, the ranking member on our Subcommittee on Communications, Technology and the Internet, with whom I very much look forward to working over the course of the coming 2 years, for the very cordial way in which they have handled their opposition to this measure here today. That reflects the best traditions of our committee. We sometimes disagree, but we always do so in a very agreeable manner.

That certainly has been the situation here tonight. We all have the same objective, and that is to make sure that we have a smooth digital television transition and that American households are not dislocated when the analog television broadcast ends and all of the broadcasting from that time forward is in digital.

We have one formula for doing that and my friends on the other side of the aisle have another formula for doing that. I respectfully suggest that our formula is the better way.

I did not want to be here tonight advocating a delay in this transition. The gentleman from Texas is right. That date for the transition has been a feature of our law now for a number of years. A lot of advertising has gone behind publicizing that date. Many people have been relying on that date as the date upon which the 700 megahertz spectrum that analog broadcasting will, when it stops, will make available and be delivered. There have been plans made on this. And so this is not a step we take lightly or frivolously, but when in which we think we have no choice.

There are 6.5 million households in the United States, as revealed by the best numbers we have available coming from a highly reputable and well-regarded television reporting service, that will completely lose television coverage if this transition happens on February 17. These households are unprepared. They do not have a cable or satellite connection. They rely on over-the-air television reception only.

That dislocation simply must be avoided. These homes depend upon television service for vital information. Not just entertainment, but news and information about community emergencies that typically would only reach the home by means of the broadcast media.

We have talked about the public safety community and the fact that we do not want to see a delay in their receipt of the spectrum that they intend to use for fully interoperable communication equipment. But the greater public safety concern is turning off that analog broadcast at a time when 6.5 million homes are not prepared for the transition. Denying vital public safety information to those 6.5 million homes is the greater threat.

And so the delay for that reason is necessary. That has been acknowledged by the leading associations representing the public safety community. The National Association of Chiefs of Police, the Association of Public Safety Communications officials, the International Association of Fire Chiefs, all of whom have endorsed this delay. It has been endorsed by the major recipients on the commercial side of the 700 megahertz spectrum; by AT&T, by Verizon. It has been endorsed by the networks; by ABC, NBC, and CBS.

And so among all of those who will be disadvantaged by this delay, there is a recognition that the delay is unfortunately and regrettably necessary.

Mr. Speaker, I also want to emphasize that this is a one-time delay, and our committee simply will not entertain requests that a delay beyond the June 12 date be adopted. I would strongly oppose any further delay. The Chairman of our Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN), has indicated his strong opposition to any delay beyond June 12, and we would strongly discourage anyone from suggesting that a delay beyond that date take place.

So the step we take tonight is necessary. None of us want to take it. I think it is the only approach we have before us at this moment that truly will assure that when this digital transition occurs, and that it occurs in a way that does not result in disruption for television viewing in America. I urge the passage of the measure.

Mr. ENGEL. Mr. Speaker, I rise today to support S. 328, delaying the digital television transition. It has become clear in recent days and weeks that the country simply is not ready for the transition.

For years, I have been saying that we are not providing enough resources or enough education for the public. That is why for the past two Congresses, I have introduced my Digital Television Consumer Education Act. This legislation would provide far more education about the transition, and would add $200 million to the converter box coupon program to get coupons to the 2 million people on the waiting list.

I do want to ensure that this delay is only a one-time event. If we keep delaying and delaying, we will never see the benefit of the transition. Television viewers will not get to see crystal clear images of their favorite programs, we will not enjoy the technological advances that will be rolled out by wireless companies, and most importantly, our first responders will not get the interoperable communication devices they so desperately need. But with the condition that this will be a one-time delay, I will support S. 328.

Mr. WAXMAN. Mr. Speaker, I rise in support of S. 328, the DTV Delay Act, which passed the Senate yesterday by unanimous consent. This legislation extends the digital television transition date and makes improvements to the converter box coupon program.

In 2005, Congress mandated that as of February 17, 2009, all television stations shut off their analog broadcasts and transmit in digital only. The transition from analog to digital will offer better pictures and sound, more programming choices, and interactive capabilities. It will also serve an important public safety purpose by freeing up spectrum for first responders for nationwide interoperable communications. Finally, it will provide consumers with new and innovative commercial wireless services.

Unfortunately, we are not prepared for this transition. The prior administration assured the Committee on Energy and Commerce repeatedly that the transition effort was on track. But on December 24, 2008, the National Telecommunications and Information Administration, NTIA, notified Congress that the converter box coupon program would run out of funding the first week of January and that it would need an additional $250 to $350 million to meet projected demand.

The President's Transition Team asked Congress to extend the deadline for a brief period. This is not a step that anyone wants to take. But we have no good alternative. Without a short, one-time extension, millions of households will lose all television reception.

The DTV converter box coupon program is supposed to ease the financial burden of the transition. But it has ground to a halt. There are currently over 1.7 million households on the waiting list. In addition, the FCC has not adequately planned for call centers and other assistance for consumers who will face technical problems after the transition has occurred.

The measure before us extends the date of the transition to June 12 and extends the coupon program date until July 31, 2009. It will also allow those who hold expired coupons—or never received their coupons because of problems with third class mail—to reapply.

Moreover, the economic recovery package that the House is considering includes $650 million to fix the coupon program and intensify consumer education and support.

S. 328 also takes steps to lessen the impact on other affected parties, including public safety, broadcasters, and wireless licensees.

I am pleased that this bill now has broad support in the public safety community, including the Association of Public-Safety Communications Officials-International, APCO, the International Association of Chiefs of Police, IACP, the International Association of Fire Chiefs of Police, IAFC, and the National Emergency Number Association, NENA. It has the support of the two biggest winners of spectrum that will be vacated as a result of the DTV transition—AT&T and Verizon. And, it has the support of a number of public interest groups.

S. 328 gives the new administration the resources it has told us it needs to fix the coupon program and better prepare consumers for the transition.

Unfortunately, our time to act on the legislation is short. If we do not pass this measure, it is likely that there will be no extension of the February 17 transition. Time will have run out for the administration to implement the changes necessary to fix the problems.

I urge Members to support this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this legislation to address the urgent problems occurring with the digital television transition.

After participating in numerous oversight hearings by the Telecommunications and Internet Subcommittee on the DTV transition in the 110th Congress, and seeing the mismanagement of the transition by the previous administration, we need time to get this right and correct the problems left for the Obama administration.

I am supporting this legislation, not because I think moving the transition date back is a good idea, but because when the National Telecommunications and Information Administration notified the Committee late last year that they would run out of money in the coupon program, postponing the date to get every household the coupons they need became necessary.

Our office sent out the coupon application in our constituent newsletters, handed them out at our townhall meetings, and took them to other events in our district to distribute. For their part, broadcasters, cable, and satellite television spent millions in advertising to educate the public about the upcoming transition.

The primary reason we have to delay this transition is due to the mismanagement of the program by the NTIA—after months of asking questions in hearings and letters to the Administration, members of the Telcom Subcommittee were assured there was plenty of money to finance the program and provide every household that needed one a converter box coupon. On December 24, however, the Energy and Commerce Committee finally received word from NTIA that the program would run out of money, much too late for Congress to address the problem, and now there are over 2 million households on the coupon waiting list.

As expected, more problems are also surfacing as we have gotten closer to the transition. Last week the Washington Post ran an article about problems people are experiencing with their antennas, and in my hometown of Houston, we have continually raised the issue of there being limited options and availability of battery-powered converter boxes for households to purchase in the event of a hurricane like we experienced last September with Hurricane Ike. Currently, households must buy a separate battery-pack for a converter, and the coupon program does not cover the battery-pack.

I understand getting the coupon program rolling again is the most pressing matter, but I hope between now and June 13 we can address these other issues and create a program that will assist households who need to do more than just hook up a converter box to acquire the equipment they need to make the transition.

Again, I urge my colleagues to join me in supporting this legislation so we can get the households the coupons they need to purchase converter boxes to keep their analog televisions from going black, and to address other issues that are arising with the digital transition.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of S. 328, DTV Delay Act. With the deadline of February 17, 2009 for DTV transition quickly approaching, it is very important that we recognize and address the reality that consumers are still confused by this transition and in many jurisdictions are not prepared for the transition to digital television. Unfortunately, the number of people who stand to lose their access to TV programming in the DTV transition is considerable. Approximately 30 to 40 million people still rely on over-the-air television, most of who are senior citizens, poor or non-English speakers and underserved communities. Although there has been a considerable amount of outreach, it has still been haphazard. There are still issues that may make the impending deadline unrealistic.

For example, in my district—the U.S. Virgin Islands—I have heard numerous complaints about the receipt of the vouchers via U.S. Postal Service, which in my district takes much longer than most areas in the U.S. mainland. Unfortunately, S. 328 did not include the House provision to require first class mail service for the delivery of coupons via the U.S. Postal Service. This provision would have made a big a difference in expediting the mail delivery time to the U.S. territories. I hope that NTIA will work on resolving this issue, although it is not a provision in the bill.

There are other components of the bill that can potentially make it a smooth transition. Although an extension will cause delays, it is important that we protect our Nation's consumers and ensure that no one is left behind in this transition. The DTV transition is not something that is easily understood by all consumers and it has become evident that it will take more time to bring everyone on board. We must work to ensure that this important transition does not leave millions of consumers in the dark.

In the interest of time, I urge passage of this legislation but encourage the NTIA to continue work with Congress on resolving the program's deficiencies.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I speak in strong support of S. 328, 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 Web site.

However, the Commerce Department has run out of funds to cover the cost of coupons and 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 a 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. Mr. 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. DINGELL. Mr. Speaker, it infuriates me that thanks largely to the incompetence of the Bush Administration during the past three years, we are presently confronted by the need to delay the transition from analog to digital television. That we are today voting on DTV delay legislation underscores the utter folly of the National Telecommunications and Information Administration's arrogant confidence in its management of programs to carry out the mandates of the Digital Transition and Public Safety Act of 2005.

As the Obama-Biden Transition Team highlighted in its January 8, 2009, letter to the Committee on Energy and Commerce, the inadequacy of the existing converter box coupon program and other federal programs meant to support consumers necessitates a delay in the date of transition to digital television. During numerous hearings in the 110th Congress, I asked representatives of NTIA whether they had sufficient funding for the DTV converter box coupon program. These representatives consistently responded that they did, even in light of a GAO report last year that NTIA would be unprepared to cope with a surge in consumer demand for converter coupons. We now know that there are some 1.5 million households on a waiting list to receive converter coupons and moreover that consumers, who apply for a coupon today, may not actually receive the coupon until after the DTV transition, as it is presently scheduled. I can only stress that had NTIA been more forthright with the Congress about the perilous reality of the coupon program, we would have been able to agree upon a solution well in advance of the consumer crisis that now looms before us.

While I intend to vote in favor of S. 328, I wish to take this opportunity to mention three brief, but important, points. First, I am troubled that S. 328 does not contain a provision to require monthly reports by NTIA concerning its administration of the DTV converter box coupon program. Given NTIA's poor administration of this program in the past, I feel it only prudent that NTIA be subject to more rigorous oversight in the future. I would add that the House version of this bill, which was to have been considered today by the Committee on Energy and Commerce, included such a reporting requirement.

Second, I would caution my colleagues that this bill's extension of the Federal Communications Commission's ability to auction spectrum gives rise to the possibility of waste, fraud, and abuse in those proceedings. I intend to work with the Chairman of the Committee on Energy and Commerce to see that oversight hearings are held following the enactment of this bill to ensure that the FCC is adhering to the statutory requirements of section 309 of the Communications Act of 1934, which specifies how the FCC shall grant licenses for the use of spectrum.

Finally, I am concerned about the DTV transition's effect on the natural environment, specifically as millions of analog television sets are disposed of by consumers. These old television sets contain such hazardous materials as mercury, chromium, cadmium, and beryllium, which could leach into the ground after these sets are deposited in landfills. I hope also to work with the Chairman of the Committee on Energy and Commerce to examine the environmental repercussions of the DTV transition and take such steps as necessary to mitigate them.

In closing, I remain committed to working with my colleagues in reaching a consensus-based solution to the problems associated with the DTV transition, especially to mitigate its impact on low-income, rural, and elderly Americans.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the Senate bill, S. 328, as amended.

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. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Mr. POLIS of Colorado (during debate on S. 328), from the Committee on Rules, submitted a privileged report (Rept. No. 111–9) on the resolution (H. Res. 92) providing for further consideration of the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, 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 Texas (Mr. POE) is recognized for 5 minutes.

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