

H. Con. Res. 27. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln.

The message also announced that pursuant to Public Law 105-83, the Chair, on behalf of the Republican Leader, announces the appointment of the following individual to serve as a member of the National Council of the Arts:

The Senator from Utah (Mr. BENNETT).

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84, the Chair, on behalf of the President pro tempore, appoints the following Senator to the United States Holocaust Memorial Council for the One Hundred Eleventh Congress:

The Senator from Utah (Mr. HATCH).

The message also announced that pursuant to section 4(a)(3) of Public Law 94-118, the Chair, on behalf of the President pro tempore, appoints the following Senator to the Japan-United States Friendship Commission:

The Senator from Alaska (Ms. MURKOWSKI).

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Board of Regents of the Smithsonian Institution:

The Senator from Mississippi (Mr. COCHRAN).

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One hundred Eleventh Congress:

The Senator from Connecticut (Mr. DODD).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The message also announced that pursuant to section 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Inter-parliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Eleventh Congress:

The Senator from Georgia (Mr. CHAMBLISS).

The Senator from Kansas (Mr. BROWNBACK).

PROVIDING FOR CONSIDERATION OF S. 352, DTV DELAY ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 108 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 352) to postpone the DTV transition date. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

SEC. 2. Section 2 of House Resolution 92 is amended by striking "February 4" and inserting "February 26".

□ 1315

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 108.

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

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 108 provides for the consideration of Senate bill S. 352, the DTV Delay Act. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Energy and Commerce Committee. The rule waives all points of order against consideration of the bill except for clause 10 of rule XXI. Finally, the rule provides for one motion to commit with or without instructions.

Madam Speaker, under current law, all full-power TV stations will stop their analog broadcasts on February 17, 2009, and broadcast only digital signals. That means on February 18, millions of American households that have an older television and have not obtained an analog-to-digital TV converter box will suddenly have a blank TV.

Survey data released by the Nielsen Company reveals that as of January 2009, 6.5 million American households were completely unprepared for transi-

tion to digital TV, meaning every TV in their home will be blank on February 18.

And for a host of reasons, the Federal Government's efforts to help people buy the necessary converters—a disproportionate number of whom who are seniors, low-income households, and those in rural areas—have been insufficient.

Madam Speaker, too many Americans are at risk for losing their television service, and we need a one-time delay to get ready for the digital TV transition. The bill before us today, S. 352, the DTV Delay Act, is very simple. It postpones the date of analog-to-digital television transition for 115 days from February 17, 2009, to June 12, 2009. This will provide additional time to get coupons for the digital TV converter boxes to millions of American households that are at risk of being without television service.

This bill unanimously passed the Senate despite being unfortunately blocked by the House Republicans last week. It was supported by the Obama administration, the FCC commissioners and has been endorsed by numerous groups, including the AARP, Consumers Union, the Leadership Conference on Civil Rights, the Coalition of Organizations for Accessible Technology, the National Hispanic Media Coalition, the National Emergency Number Association, the Association of Public-Safety Communications Officials-International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Association of Broadcasters, AT&T Wireless, Verizon Wireless, Univision, ABC, CBS, FOX and NBC.

Madam Speaker, I would close by adding that this has not been an ideal transition to digital television, and this is hardly a perfect solution to the problem. But make no mistake, without this critical delay, millions of Americans may no longer be able to watch their television on February 18; and punishing consumers is surely not the way we fix this problem.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I want to thank the gentleman from California for yielding time, and I yield myself such time as I may consume.

We have some very eloquent speakers lined up on our side to talk about this bill, so I'm going to speak just a short time so I can leave plenty of time for my colleagues who have very eloquent statements to make on this issue, but I do want to point out that this process began a very long time ago.

It is a rather complicated issue, but even by Federal Government standards, this is a long time to accomplish a task. It's also, I think, an indication of the change that has come to Congress in the past 2 years.

We want change. President Obama has said he wants change, but he wants change that makes government work. This is going in the wrong direction, in

my opinion. And my colleagues are going to talk, again, about why this is going in the wrong direction.

But I want to point out that in the so-called stimulus bill, the majority party has put another \$650 million to deal with this issue. According to our calculation, a small percentage, less than 1 percent of the people who need this assistance, have not requested the coupons. That equates, we believe, to spending over \$3,000 per household for the holdouts who have not gotten their converter box. That is a lot of money to be spending.

I, frankly, think this is an excuse to put three times the amount of money that we think needs to be spent on the remainder of this program, and it's just another example of overreaching on the part of the majority.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding and commend him for his leadership on the Rules Committee and also on the important issue of keeping people in their homes. Home foreclosures are mounting. They're an epidemic in his district, and I want our colleagues to know that another Member from California is noticing the leadership that he provides on that issue.

Madam Speaker, I rise in support of this rule and the underlying bill to provide a one-time—let me stress—one-time delay in the DTV transition. I sympathize with Americans who are unprepared for this transition, many of whom are elderly, minorities, or residents of rural areas. Television is important to our lives and can serve as a vital resource in times of emergency. So for those reasons, I support the legislation.

At the same time, we must not forget that the DTV transition's real purpose is to improve emergency communications capabilities for first responders. The lessons of 9/11 are sadly fading. Hundreds of police and firefighters died at the World Trade Center in part because they could not talk to each other on their radios.

The key to preventing this kind of tragic communication failure is to build a nationwide interoperable broadband network that will allow rescue workers from different units to talk to each other even though they operate on separate radio frequencies. The foundation for this nationwide public safety network is the spectrum that is currently used for analog television broadcasting, and only after analog operations are cleared can that spectrum be put to its best and most important use.

Madam Speaker, in a perfect world this delay would not be necessary. And I want to make clear, again, that further delay should not, must not be necessary once this period ends. But this one-time delay will help protect our

most vulnerable citizens while we get on with designing the build-out of the public safety network that is our ultimate goal.

It has been almost 8 years since the 9/11 attacks. Police, firefighters, and EMTs all over the country—and the families they protect—are counting on us to finally get this right.

Ms. FOXX. Madam Speaker, I now yield 5 minutes to the gentleman from Texas, the ranking member of Energy and Commerce, Mr. BARTON.

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

Mr. BARTON of Texas. I thank the gentlelady from North Carolina.

Madam Speaker, we are here on the same issue that we were here on last week when, under the suspension of the rules, the House tried to pass a bill to delay the digital television transition period from February 17 to June 12. Wisely, the House rejected that on a bipartisan vote.

Our friends in the other body slightly changed the bill and did a procedure called hotlining it, which brought a basically identical bill back to the House.

The new chairman of the Energy and Commerce Committee, Mr. WAXMAN, has gone to the Rules Committee and asked that the bill be reported to the floor under a rule, which is not a bad idea. The problem is, this is a closed rule.

Now, I want to point out to the newer Members of this body what a closed rule is. It means there can be no amendments. Now, there may be occasions when that's in order, but this is not one of those occasions.

There's been no legislative hearing in the committee. There's been no markup in the committee. In fact, two markups have been scheduled and canceled in committee.

So we have a piece of legislation. There's been no debate on it in the Senate, it's been hotlined, we had a suspension vote on it last week—which I think we had 20 minutes on each side before we had to vote. And so now we're under a closed rule. So no Republican amendments or Democrat amendments were made in order.

I don't know if Democrats offered amendments, but there were six Republican amendments made in order, one of which was by myself and Mr. STEARNS who said quite simply, "You don't need to delay it. Just authorize an additional sum of money."

One of the things that the proponents of the delay are saying is we need to delay this because there is not enough money. Well, actually, there is enough money. But under an accounting rule by the Office of Management and Budget, when you send a coupon, you have to assume that that coupon is going to be redeemed 100 percent of the time. So of the \$1.3 billion that has been appropriated and is in an account, about half that money is still in the account, but because there are coupons that are outstanding, they can't issue new coupons.

The amendment that was not made in order simply said authorize another \$250 million of coupons to be sent out because that money is already there and only about 52 percent of the coupons are being redeemed. So at the end of the game, you're going to have plenty of money.

Interestingly enough, this bill doesn't approve any money. The money for this bill is in the stimulus package—which probably won't clear the Senate for another couple of weeks, probably will be a conference committee or maybe another closed system where there is not a real conference—but in any event, I doubt that stimulus package is going to be on the President's desk within the next month.

So we're delaying a hard day transition today with no additional money nor any way to send out any additional coupons. How silly is that? And no amendments made in order to correct the bill.

We had other amendments that would have exempted broadcasters from the delay if the cost caused by the delay was more than \$100,000. That one was not ruled in order. We had an amendment that said the broadcasters in rural areas would have to go ahead with the hard day if they were sitting on spectrums that were allocated to provide broadband to rural areas. That wasn't made in order. Not one amendment was made in order.

And to top it off, myself and Mr. STEARNS sent a letter to the new or the acting chairman of the Federal Communications Committee saying, "How many TV stations do you think are going to go ahead and go forward even though it's not mandated?" You know what the answer is? Sixty-one percent of the 1,000 television stations in America are probably going to go forward. And believe it or not, 143 already have. They've already gone digital.

So, Madam Speaker, with all due respect, when you have a closed rule, no amendments made in order, no legislative hearing, no markup, no debate in the other body, I think we could defeat this rule; I think we could bring an open rule to the floor, let some amendments be made in order, let the body work its will; and if that passes, send that to the other body and try to work it out.

We on the Republican side want digital television transmission to go forward. We want the spectrum to be released for the first responders. We want the television stations to see the benefit of savings, but we do not need this delay, and we do not need a closed rule.

Please vote "no" on the closed rule. The SPEAKER pro tempore. Without objection, the gentleman from Colorado will manage the time of the gentleman from California.

There was no objection.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman for yielding me the time.

Madam Speaker, I served on the Energy and Commerce Committee for 14 years, and much of that time in the Telecommunications Subcommittee was spent dedicated to digital transition. So I have been around this issue for a while.

After all of the oversight, after all of the work, after all of the hearings, it's become unfortunately clear that we're unprepared to transition on February 17. Many consumers never received their coupons because the coupons were lost in the mail and they were prevented from reapplying.

Other consumers' coupons expired because they could not find converter boxes before they expired, and we know that problems in the education program for the DTV transition probably left many families uncertain about what to do with their coupons.

And coupons were mailed third class. Now, I don't know what genius came up with that in the department, but it was really, totally mishandled and bungled.

Seven and a half million households are prepared for the transition, and there are over 2.7 million coupons representing more than 1.5 million households on a waiting list right now today.

□ 1330

Every Member should have received a letter detailing how many of their constituents are on the list. I have 2,346 of them without coverage. The Department of Commerce now estimates that the demand for converter boxes may exceed the supply of boxes by over 2 million units. And it's estimated that it will take 6 to 8 weeks after new boxes are ordered before they will appear on store shelves.

So we are not ready for this transition. We can fix these problems. We can minimize the catastrophe if we pass today's legislation. There are dollars in the recovery legislation that will cover what needs to be done, and pay for that. So the resources are there. They will not only do better consumer education, including call centers, and fix many of the problems.

If you vote for this, it's a vote not to go dark for your constituents. Thank you.

Ms. FOXX. I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I rise in opposition to this rule. I'm trying to figure out what it is the majority fears about open debate, either in committee or on the floor.

I would be happy to yield to the gentleman from Colorado, who's managing the rule, if you would like to tell me why no amendments were allowed.

Mr. POLIS of Colorado. Thank you, sir.

This was discussed in the Rules Committee the other day. And there is a need for expediency here. We are talking about televisions that are going out and people losing the ability to view it.

Mr. WALDEN. Reclaiming my time; we are only talking maybe 5 minutes

on an amendment. This bill has had no hearings in any committee in the House, correct?

Mr. POLIS of Colorado. In the Rules Committee yesterday we had several amendments.

Mr. WALDEN. Reclaiming my time; but you're not the substantive committee. Energy and Commerce is the substantive committee. Our committee was not allowed to have a hearing on this issue, including the ramifications of it, on this bill.

We had no opportunity to offer an amendment. You heard our ranking member, Mr. BARTON, suggest there are alternatives that wouldn't cost the taxpayers enormous amounts of money.

Mr. POLIS of Colorado. If I may address that. The Energy and Commerce Committee actually had nine hearings on this very matter.

Mr. WALDEN. Reclaiming my time; not on this bill. There was no hearing on this bill. We've had hearings along the way about this issue, but not on this bill before us today—at least no markup on this bill. So our only alternative to help the taxpayers prevent—who's going to loan us this money, by the way? \$650 million more we're going to ask to borrow to pay for converter boxes. And yet, only half the money has been spent.

There's an affordable, efficient alternative we could have at least allowed the Members here to vote on that said, Change the accounting a bit, allow them to go ahead and move forward and issue the coupons as those expired, that aren't used, because not every coupon is being used. There's only a 52.5 redemption rate. Then that money will flow back in at the end.

Putting money in the stimulus means it's not available until April or May. Now you have got a June deadline. So even that money is not going to flow out there. I urge defeat of the rule. We can legislate in a much better way than this.

Mr. POLIS of Colorado. Madam Speaker, I yield myself such time as I may consume.

A brief discussion of some of the many hearings and discussions that occurred on this matter. March 28, 2007, the subcommittee held its first hearings on the status of the DTV transition; October 17, 2007, second hearing on the status of DTV transition, at which the NTIA Assistant Secretary Kneuer testified.

Mr. WALDEN. Will the gentleman yield?

Mr. POLIS of Colorado. No, I have to complete this. October 31, 2007, subcommittee holds a third hearing on status of the DTV transition; February 13, 2008, a fourth hearing. It continues. There were a total of nine hearings at which this matter was discussed extensively. Those who wanted to be heard were able to be heard at that point.

Mr. WALDEN. Will the gentleman yield?

Mr. POLIS of Colorado. I yield to the gentleman from Oregon.

Mr. WALDEN. I don't believe the gentleman was a Member of the Congress when most of those hearings were held. So you wouldn't have had benefit of those hearings. But my question is: If they did all those hearings, why didn't they have a markup to fix it then, if this was such a problem? Was there a single markup on this bill in a substantive committee?

Mr. POLIS of Colorado. This bill had extensive discussion. In the absence of acting soon, there will be millions of people who will not have TV, and they won't be very happy.

Mr. WALDEN. But the question here is, was there a single hearing or markup on this bill?

Mr. POLIS of Colorado. You can read the transcript.

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentleman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker and Members, can you imagine February 18, when millions of households will have their TVs go dark, and not understand why? Yes, it would be great if everyone had received their coupons, if everybody understood the transition to digital. But they don't.

I cannot understand why the Members of Congress would not be generous enough to have an appreciation for the fact that people are going to be terribly inconvenienced. Seniors who depend on their friend, the TV, let alone all of those televisions that will go dark without people understanding why. We could have a national emergency and our first responders would not have the opportunity to have an interoperative system where they could talk to each other.

I don't care about whether or not amendments have not been heard by either side. This bill has been debated ad nauseam in committee over a long period of time. And so, Members of Congress, if you want your telephones ringing off the hook, if you want 911 tied up, if you want people knocking on the door of their neighbors and others, trying to find out what is wrong, you act irresponsibly and not support this legislation, and let all hell break loose, because we will have a crisis on our hands.

I would ask the Members: be responsible. Don't nickel and dime this legislation. Don't create an unnecessary bureaucracy. Just vote the bill out so that we can support the average American in having their television not go on dark on February 18.

Ms. FOXX. Madam Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank my colleague from North Carolina.

To just set the record straight, to my colleague who just spoke, there was no hearing on this bill in committee. There was no markup on this bill in

committee. There has never been an opportunity to amend this bill on this floor or in committee. I serve on the committee, I serve on the subcommittee.

Further, if she's concerned about interoperability, then you free up the spectrum. Delay of transition to DTV means the analog transmitters here and the digital transmitters here—and they are both going. Until the analog is gone, the spectrum is not freed up for that interoperability she pleads for. Maybe if there was a hearing, she would better understand the bill.

Ms. FOXX. Madam Speaker, I yield 3 minutes to my esteemed colleague from California (Mr. ISSA).

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

Mr. ISSA. Madam Speaker, I have been in the House for 8 years, and I have been a member of the Energy and Commerce Committee, although on leave of absence, for 6. But before I came here, for two decades I was in the electronics industry, was part of the annual consideration of over a million dollars of private funding to help move digital television. We did so not just to sell televisions or to improve people's pictures, but in fact because of the efficiency of spectrum and what it would do. I have been a supporter of digital transition.

Today, I am here as the ranking member of Government Reform, sounding an alarm that I hope will be heard by my colleagues. President Obama did only one thing before he became President. Only once did he violate his "one President at a time" statement, and that was in fact on asking for a delay in the digital transition. I believe he did so because in fact he was misled.

It is clear that there is doubt as to whether a gentleman named Gerard Salemme, who is in fact a highly compensated \$300,000-plus a year individual with a company which is behind today—behind in their technology roll-out for using this new spectrum—was on his transition team, although he is still the executive vice president of a company called Clearwire.

To me, it appears as though the process behind closed doors in the transition team that led to the decision to delay digital television was clearly tainted by someone who, as an opportunist, may have been trying to gain those extra 4 months to make their technology competitive with those that are already rolled out. That, to me, is the first of many tragedies. You have heard many others.

Additionally, having been in the consumer electronics industry for over 20 years, I'm well aware that the cost of these digital boxes are about \$40. So even if you claim that you have 6 million people who haven't received them, you do \$40 times 6 million and pretty soon you figure out that it's \$200 million—some that we would have to authorize with this delay in order to fully fund getting people their boxes.

No money is attached to this bill. As a result, this will simply cause a delay, giving certain companies an opportunity perhaps to catch up in technology, advancing one company over another, something we said we wouldn't do when we set a hard deadline. More importantly, we are not solving the basic problem here. It only takes \$240 million or less dollars to fix this problem where \$18 billion worth of spectrum is being held ransom.

This is bad business. It's bad for American technologies that are emerging, it's bad for all the services that will be granted. I came from high tech. I know what we are doing is forcing us to stay in horse and buggy for months longer.

R. GERARD SALEMME'S INTERESTS IN
CLEARWIRE AND ICO

CLEARWIRE

(Data current through most recent Definitive Proxy, Oct. 9, 2008)

Executive Vice President of Strategy, Policy and External Affairs

Annual Compensation: \$336,812

Stock Options: 1.15 million

Total Value of Options: \$6.468 million

ICO

Consultant, ICO Global Communications (Holdings) Ltd.

Director, ICO North America, Inc.

Owens: As of Apr. 25, 2008, owned 699,474 shares of Class A Common Stock of ICO Global.

Acquired: Received 110,619 shares of ICO Global Communications on Dec. 1, 2008, worth \$125K.

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BIOGRAPHY OF R. GERARD SALEMME

EXECUTIVE VICE PRESIDENT—STRATEGY,
POLICY AND EXTERNAL AFFAIRS

As executive vice president—strategy, policy and external affairs, Gerard Salemme oversees Clearwire's spectrum strategy, acquisition and development, public policy agenda and local, state, federal, and international regulatory affairs and advocacy. Prior to assuming his current role at Clearwire, Salemme served as vice president and corporate secretary from November 2003 to April 2004. As the company's senior policy executive, Salemme brings more than 30 years of telecommunications, government affairs, federal regulatory and public policy expertise to Clearwire. Salemme has held key executive positions at XO Communications, AT&T Corp., McCaw Cellular, and GTE Corporation/Sprint Corporation. At AT&T, Salemme directed the company's federal regulatory public policy organization, including participation in the FCC's narrowband and broadband PCS auctions. In addition, Salemme has served as the senior telecommunications policy analyst for the U.S. House of Representatives Subcommittee on Telecommunications and Finance, as chief of staff to Congressman Ed Markey of Massachusetts, and as a lecturer of economics at the University of Massachusetts at Salem. He is currently a principal of ERH, a vice president of ERI, and a director of and consultant to ICO and ICO North America.

Mr. POLIS of Colorado. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in support of this bill. I am just amazed at what I am hearing from my friends on the other side of the aisle. I have been on

the Energy and Commerce Committee for the past 13 years, and I have been on the Telecommunications Subcommittee for most of that time. We have had hearing after hearing after hearing involving the DTV transition. It may be technically true that we haven't had a specific hearing on this bill, but we have had hearings ad nauseam on the whole issue.

And what are we talking about? We are talking about a 115-day delay. We are not talking about a 10-year delay. We are saying 115 days—3 months, 4 months—to give us time to put our house in order so that people's televisions don't go blank. I don't think that is so unreasonable. I am amazed at the opposition to 115 days.

Now, I support this bill. I do it reluctantly because the transition to DTV will offer great benefits to our Nation. In recent weeks, it has become crystal clear that what I have been saying for years on the Energy and Commerce Committee is true—that we have not provided nearly enough resources or education for this transition to be successful. So, if we wait 115 days so it will be more successful, what is the problem?

For the past two Congresses I have introduced the Digital Television Consumer Education Act. The legislation would have avoided the problems we are seeing right now. It would have educated the public about the transition, and it would provide additional funding for the converter box coupon program which, as we all know, is out of money.

Currently, there are almost 2 million people on a waiting list for converter box coupons. This means 4,000 people in my district are waiting for coupons. It would be unacceptable for us to force the transition upon so many of my constituents and your constituents and those of everybody else in this Chamber, when it's clear they are not ready.

If we continue with the transition, millions upon millions of television screens in this country will simply go dark.

Again, I don't support an indefinite delay. This is a finite delay. This is a one-time delay. I won't support a further delay. But 115 days is not so terrible. When the transition occurs, which we know it needs to occur, TV pictures nationwide will become crystal clear; technology companies will be able to roll out new-generation wireless services that far outpace what we have today and, most importantly, as was mentioned, first responders will be able to carry interoperable communication devices that they badly need right now.

So, the benefits to the transition to digital are clear. The harm, however, that we would cause by forcing the transition on an unprepared Nation is equally clear. So let's wait the 115 days, let's do it right, and let's support S. 352.

Ms. FOXX. I yield 3 minutes to my colleague from Florida (Mr. STEARNS).

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

Mr. STEARNS. I thank the gentledady for yielding.

First, I rise in opposition to this rule and in strong opposition to the underlying bill. Let me say to my colleague from New York, we have spent over 2 years planning for this date of February 17, 2009. All the broadcasters, all the engineers, all the people that put up the towers, they are all ready to go. In fact, PBS pointed out that if they delay, it's going to cost them \$22 million. That's just the tip of the iceberg.

The hearings we've had were to determine how to run the program and give the Department of Commerce the money they need to implement the coupon program. But we never had a hearing on this bill. That's why I submitted six amendments to the Rules Committee yesterday. It would vastly improve the final product. In fact, as Mr. ISSA pointed out, with the people that supposedly need the coupons, the \$250 million allotment back in January, back in December, would have taken care of this problem. But, for some reason, it was not taken care of.

□ 1345

But we have never had a hearing, not one, on delaying the digital TV transition. We have had hearings, I agree, on how to implement the program, but not delaying and what the implications are. And, incredibly enough, this bill has never gone through any kind of markup where we could air out some of the contentious issues: What is it going to cost the broadcasters, the people implementing the towers, and so forth?

Now, a Member on that side talked about national security and about delaying in reference to 9/11. Madam Speaker, I submit for the RECORD a letter from the National Fraternal Order of Police. The National Fraternal Order of Police has come out strongly against this delay. And why would they come out against this delay? That is because this delay could mean that national security, the first responders, would be affected, would not have the information they need, and could not notify citizens in the case of an emergency.

But none of the six amendments I offered on behalf of my colleagues, Mr. BLUNT, Mr. WALDEN, and Mr. BARTON, were accepted. And so, really, we had no opportunity to make this bill better.

So when we transitioned on February 17, June 12, or whatever it is going to be, and you have no guarantee that this will be the last delay, we have to realize that, to put into perspective, it is going to cost money, it is going to increase our risk for first responders. And, when you think about it, no matter what date you establish, there is always going to be somebody who doesn't get the message. In fact, the demonstration project in Wilmington, North Carolina in September to see if it would work was 99 percent effective.

So the question I would have for you: If the demonstration project was so effective in September, 5 months later surely it is going to be effective on February 17, 2009. Tens of thousands of people will not lose their television because the coupons would be available. I urge defeat of the rule.

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.

Mr. POLIS of Colorado. Madam Speaker, this delay is a one-time delay only. And given the national security issues and increasing number of natural disasters we face, I can think of no time in our history when having access to television is more critical than it is now. Absent this extension, millions of television sets will go dark in 13 days.

This legislation contains specific language recommended by public safety organizations. It explicitly preserves the ability of public safety entities to use the DTV spectrum before the new transition date subject to existing FCC rules, and under no circumstances will there be any disruption of spectrum currently used for public safety communications.

As I said before, this bill has the support of leading public safety organizations, including the Association of Public Safety Communications Officials International, the International Associations of Chiefs of Police, the International Association of Fire Chiefs, and the National Emergency Number Association.

I would add that allowing the 6.5 million households estimated by Nielsen that are completely unprepared for the DTV transition to go dark is in and of itself a legitimate public safety issue. Those homes will not be able to continue to rely on local broadcast stations for news about natural disasters, evacuations, terrorist attacks, or other public safety announcements. A one-time delay of 115 days is a reasonable response to a very difficult problem that millions of Americans would face in 2 weeks absent this legislation.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 3 minutes to my colleague from Nebraska (Mr. TERRY).

Mr. TERRY. Madam Speaker, I rise today in opposition of this rule for a variety of different reasons. But let me engage in one of the first reasons, is I am not sure that a delay is necessary. Are there some hiccups or concerns? I am not going to agree with a couple of my colleagues and friends from the other side that talked about catastrophes. September 11th is a catastrophe. Delaying this is not, or February 17th is not. But let me run through what some of the concerns are.

Some of the concerns is that we are not 100 percent ready. Some of the concerns is there is a waiting list; although, there are 10 million coupons issued today that are valid, representing 5 million homes, so those are

people that were going to probably go in the next 13 days and buy one of the set-top boxes. I have gone into my electronics stores over the last week, and there are mountains. And I am not exaggerating, there were piles almost up to my neck in every one of the electronics stores that I went into.

So what are the appropriate responses here? Is a delay necessary? We have had hearings, granted, on the merits of DTV hard date. We have not been able to have a discussion in this Congress whether, A, it is necessary to delay this for 4 months; or, whether there are appropriate responses that don't require a delay, like, for example, if we would have put up a suspension last week that said that the expiration dates aren't in existence anymore. So if you had one that expired, you could go out and use it. We could have changed an accounting rule that would have fixed the so-called money problem, although as the past chairman of this committee pointed out there really isn't a money problem.

The amazing part about this to me is that with these simple solutions that both sides could have agreed upon, we could have had this done a couple weeks ago. But for some reason, 3 weeks ago just completely out of the blue our new President said we need to delay this. No discussion. When President Obama came to our conference a week or so ago, he was asked about why. And the response was, simply, because the past administration messed up. And he said, quote, "Our people are telling me that we need 4 months." Then we find out that one of the people supposedly maybe that the President was referring to, a member of the transition team that was discussing with the transition team technology issues that owns a company called Clear Channel.

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

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. TERRY. Mr. Salemme owns a business called Clearwire that actually will benefit from a delay because it puts his company into an advantageous position. Maybe that is why we are now talking about a delay of 4 months without any hearing. I would respectfully request that our committee oversight look into it. The ranking member of the oversight committee of Congress has asked for it, and I think it is a good idea to do.

Mr. POLIS of Colorado. Madam Speaker, there are many Americans that don't realize that they have not made the transition to digital TV, absent this bill, in 13 days; with this bill, of a 115-day extension.

Mr. TERRY. Would the gentleman yield for one question?

Mr. POLIS of Colorado. I yield to the gentleman from Nebraska.

Mr. TERRY. There was a poll that was brought out last week that said that 95 percent of the homes are ready. So if 95 percent are ready today, what

is the number then that we have to be at to implement the hard date? Would it be 100 percent, 99.5 percent?

Mr. POLIS of Colorado. Reclaiming my time, the gentleman from Nebraska has in his very own district 3,401 people who have not made the transition; I have in my district 3,671. There are a number of people across the country, particularly elderly people and people who aren't as aware of the technology. Now, Nielsen has estimated that 6.5 million remain. And it is critical that, again, this is something that a lot of people don't realize as they go about their everyday lives. We realize this in this body. We talk about it, those involved with technology do.

Another issue is, for instance, many of the coupons were sent out via third-class mail, taking 4 to 8 weeks to deliver. Some of those, as is inevitable when things get mailed, actually get lost in the mail; when they arrive, some of them arrived after their expiration date, which was only a 90-day expiration date. One of the provisions in the bill would actually allow consumers to reapply for coupons when their coupons expired.

So, again, for these reasons there would be a lot of difficulty in explaining to any of our constituents whose televisions will go off in 13 days why we didn't act to be able to allow them to continue to watch their television and give them time to see this transition through with this one-time delay. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Madam Speaker, I am trying to figure out, why are we spending another \$650 million on television coupons when Americans need jobs? Why is Congress continuing on this path of wasteful Washington spending when we can do much, much better?

The current economic mess that we are in right now was created by spending and borrowing money that doesn't exist. So why are we doing more of the same? People are hurting. Many people have lost their jobs, and Americans are genuinely worried about the future. Last week, we considered a stimulus bill of \$819 billion in a so-called stimulus; actually, it is over \$1 trillion when you think of the debt payments that are included. This is enough to give every family in the country close to \$11,000. And what is this money for? \$600 million to buy new cars for government workers; \$150 million for honey bee insurance. And, of course, \$650 million for television coupons. And the list goes on and on.

I am asking my constituents, is this how you would spend your hard-earned taxpayer money? I don't think so. It is no wonder that the American public is growing weary of this economic plan, and polls show a declining support. And do you know why? Because the American public is smart.

But why does a broken Congress continue to move on the same path, to

spend hard-earned taxpayer money on the same old deficit plans that do little to create jobs and get our economy going?

Madam Speaker, I think we can do better. I think we must do better. Let's heed the President's call for swift bipartisan action, a plan that would provide immediate real stimulus to create jobs in this economy, not one that explodes the budget deficit on wasteful programs. Let's help families and small businesses with tax relief. Congress is focused on the wrong priorities with this bill. Spending \$650 million, deficit spending \$650 million, is the wrong priority. We should focus on job creation.

□ 1400

Mr. POLIS of Colorado. Madam Speaker, may I inquire as to how much time remains on both sides, please?

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining. The gentlewoman from North Carolina has 9 minutes remaining.

Mr. POLIS of Colorado. As testimony to the demand for the need to change, there are currently pending about 2 million requests for coupons. This bill, as passed, would finally allow for some of those coupons to be reissued by allowing consumers to reapply for those coupons and help ensure that those who need coupons can still get them and their televisions do not go dark.

Madam Speaker, I would like to reserve the remainder of my time.

Ms. FOXX. Madam Speaker, I now yield 3 minutes to our distinguished colleague from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentelady for yielding.

On the debate before us today, this has been a discussion that has been going on in the country for 3 years now. It was mentioned earlier that there were people who didn't know that this date was pending. I don't know how you could possibly be watching television and not know that this date was coming up. This has been the most broadcast, the most communicated date in the history of broadcasting. And if you don't know that this date is coming up, you're probably not watching television. And if you're not watching television, you probably won't know on February 18 whether it occurred or not.

There are really three important reasons not to pass this rule and not to pass this bill. One is first responders. The 9/11 Commission, in discussion after discussion since then and before then, has talked about getting all of our first responders on one level where they could communicate. All you have to do is have a flood, a tornado or an ice storm in your area to know that when the first responders come in to help, no matter how well your own first responders are communicating, when the first responders come in to help, they could be much more helpful if they could all communicate together immediately. And they cannot do that

until the last person gets off the spectrum that is allocated to them. Many of them are ready to do it on February 18. Others might be on March 1. But it doesn't matter. We're saying they can't communicate because we're not going to take people off the spectrum.

Also, is a 3-year plan better than a 115-day plan? The truth is, my friends, the people who win today, and I assume the majority will win since they had a majority of votes on suspension, the people who win will lose this argument in mid-June. In mid-June, there will be problems, just like there will be a few problems on February 18. In my district, the speculation is 99 percent of the people are ready for this transition. The original bill said that we would automatically make the transition when 85 percent were ready. The number was used a minute ago that 95 percent are ready in the whole country now. There are going to be problems in mid-June. And some of these problems are going to be because of what we do here today. There have been people contracted for 2 years, in some cases almost 3 years, to come in on February 17, to be there until a time certain on February 18, to make this transition happen. Those same people aren't going to be available to be contracted for whatever this day is in June.

And of course the third reason is we sold the spectrum. I was originally skeptical. I thought, well, maybe we should keep the spectrum longer so it gets worth more. One thing, it actually brought more in the auction than had been anticipated, two things, in the time since we made this decision and today, we went from number 2 in broadband communication in the world to number 16 or number 19.

We need to move on with this. We sold the spectrum. We cashed the \$20 billion in checks, and now we say we're not going to deliver what we agreed to deliver. The government needs to keep its word on this and every other item.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. In case we haven't noticed and the American people haven't noticed, what we're going to be spending the next year or so doing is digging out of the mess created by our Republican friends. We're trying to deal with the economy. We're trying to deal with digital TV. The fact remains, and it's obvious based on any matrix you can imagine, that this program is horribly administered and poorly thought through. Don't ask me that. Ask the 2 million people that are on a waiting list waiting for a coupon. Ask the 7 million people that Nielsen estimates are still unwired for digital TV.

The fact remains that we on this side didn't write this bill. In fact, if you look at people like Congressman MARKEY who have been saying for months that the way this program is being administered was poorly conceived. Let me give you an example. Right now,

you sign up for a coupon and they send it to you third-class mail. And then if you don't redeem it within a certain amount of time, then they have to wait for several months before they can re-issue it. This program was destined to be a failure because that's the way you wrote it.

Now you may think, what difference does it make that there are 2 million people waiting or 7 million people waiting? Let me ask you something. To the hundreds of thousands of people that are in your State that are not wired, what if there was an emergency tomorrow? What if there was a tornado? What if there was, God forbid, some kind of a fire and they needed to notify people quickly? People rely upon their television sets. Whom do you think you're punishing by standing in the way of this extension? You're punishing—let me just pose a couple more, and then you can answer them all at once on your own time. You're punishing senior citizens who, by and large, have those rabbit ears, who despite the previous speakers, might not be reading about digital TV or reading "Digital TV Today" or reading the sets. They think their television is fine because the outreach that was necessary for this program was never done.

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

Mr. POLIS of Colorado. I yield the gentleman 1 additional minute.

Mr. WEINER. What difference does it make if 2 million people are now on a waiting list to get the voucher? What difference does it make to those citizens? What difference does it make when you hear the Nielsen Survey, not Democrat, not Republican, say that there are 7 million Americans not hooked up. You are going to say, "oh, it serves them right. We're going to stick to the guidelines. It serves them right." Well, the fact of the matter is we're trying to do good policy.

Let me make one final point because the distinguished gentleman from Missouri alluded to this. It is interesting that nobody except people speaking on your side today seem to be opposed to this. The people that bought the spectrum say that they're fine and that they're in no urgent hurry to get it. The people that are in the business of emergency response say, "we need people wired for television. That is even more important than getting access to spectrum." So all you're doing is what you did last week, saying, "no, no, no," as we try to fix your mess.

Ms. FOXX. Mr. Speaker, I yield now 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, it's always fun to hear my friend from New York come down on the floor. And I enjoy his passion.

A couple of points. This movement of the spectrum was directed and sug-

gested by the 9/11 Commission years ago. Those of us on the subcommittee worked diligently to comply with the movement of the spectrum because we had 9/11, which was very serious. We had—and ANTHONY, you know this, we had firefighters that didn't know that the buildings were falling. We couldn't talk to them. Well then came along Katrina. And Katrina rolls in. And we've got National Guardsmen on one side of the flood who can't talk to the police officer or the disaster team going into New Orleans. So that is where a lot of us come from on this.

Now we know the Fraternal Order of Police are not supportive of this movement. We know that the Sheriffs' Association is not. We do know that other public service agencies have, at the cajoling and the encouragement of the majority, said, "we don't need this." But I will tell you one thing for sure is that I do not want to be the Member of Congress who delays the ability of the spectrum for first-line responders.

Now when we had this debate last week, my good friend and colleague, RICK BOUCHER, was quoted and said, and I'm going to paraphrase, it will not be extended again. And we will hold the majority to that. Because not only is it a life-and-death issue on our first-line responders to get them to communicate, but it's also as important to make sure that we move to this new era.

Now many of my colleagues have done what I have done. I spent 8 months in my district going to senior centers promoting this movement on February 17. I pray that we don't move it past June 12.

Mr. POLIS of Colorado. Mr. Speaker, I would like to yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman.

I think that, in fact, it is very important that we do make this transition. But do have two competing safety imperatives. One is the imperative of when this bandwidth is then used for emergency responders, which is not going to happen immediately. It's going to take a little time. The other is our obligation to the citizens of Illinois and New York immediately. They are going to lose the most important connection to the outside world and to emergency response, the television. And unlike when your channel, your knob is a little crooked, when we go to digital television, it's going to go completely black. And a lot of people rely on the television to get that kind of information.

Mr. SHIMKUS. Will the gentleman yield briefly?

Mr. WEINER. Certainly.

Mr. SHIMKUS. The other caveat I have is that we are already sending money to first-line responders based upon the promise of selling the spectrum. So we are already trying to move to help the first-line responders. But if we delay, the cost-benefit analysis of the spectrum is in question.

Mr. WEINER. There is no doubt that the premise of your remarks and mine is the same. The past administration screwed up the administration of this program. There is no doubt about it. We should not be where we are today. That is why we need to pass this bill.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

And indeed we are having a robust debate on this issue today. And I rise in opposition to the bill that is before us. I support moving forward for this transition. Just to correct the record a little bit, Mr. Speaker, on some of the things that have been said. We hear all of this, well, 95 percent of America is ready for this transition to take place. On January 22, 95 percent of this country was ready. That is the day that that number was released, January 22. Now we are coming up on the February 17 date. We know that over 300,000 people per week are coming off the list waiting for that coupon. And they are moving forward with readiness. Their expectation is that the Federal Government is going to make good on their promise. And they are going to move forward with this on February 17. Now it is important to our broadcasters. Talk to any of our broadcasters out there. They will tell you that they are running two systems. They are running their digital, and they are running their analog. And they are ready to move that spectrum out. My goodness, you all are so concerned about climate change, they are using all this electricity to run these two systems paying extra bills. They are telling us, "We need this to take place." We are hearing from first responders. And the gentleman from New York said that those that have acquired the spectrum at auction are not upset about the delay, that they're fine with the delay. Indeed, Mr. Speaker, that is not what we hear. They are very concerned that in good faith they moved forward through the auction process, in good faith they have acquired this spectrum, in good faith they are preparing for jobs, and we're all concerned about jobs growth, jobs that will be going into place as we move to digital and analog moves into a new area for abuse. It is time for us to move forward on this and keep our word to the American people.

Mr. POLIS of Colorado. Mr. Speaker, I yield myself such time as I may consume.

The Chair of the appropriate subcommittee, the gentleman from Virginia (Mr. BOUCHER), has indicated that he will not support an additional delay in the implementation of the change as have several of the other speakers who have advocated on this side of the issue as well. Again, the urgent need for a one-time delay is simply in the fact that 6.5 million people's televisions will go black in 13 days absent this

very simple change that gives them more time.

To show the ongoing urgent need for this, just yesterday 135,464 coupons were added to the waiting list. Two point one million households are now on the waiting list for coupons. These are people who did everything right, and they are on the waiting list. And if we pass this bill many of them will, in fact, be eligible for coupons as well.

Again, this is a one-time delay only. Given the critical nature of television in today's society, that is why this has been supported by a number of national public safety organizations including the Association of Public-Safety Communications Officials, the Association of Chiefs of Police, the Association of Fire Chiefs and the National Emergency Managers Association.

Television is an important way to communicate with people. We all have constituents that this affects. And that is why it's important to pass this bill today.

I would like to yield 1 minute to Mr. WEINER from New York.

Mr. WEINER. I just think this debate has been instructive. I would say that on one side you have people who are advocating for the 2 million people who are waiting without coupons and for the 7 million or so people that Nielsen says is in this universe of people who don't have coverage. On the other side it is people that are advocating for who bought the spectrum at literally billions of dollars and for the TV broadcasters because they have to run to their transponders. No doubt about it. There are equities on both sides. But I think someone should stand for the 2 million people that are waiting for coupons. That is us. Someone should stand for the 7 million Americans who don't have the service. That is us. Who are you standing for?

Ms. FOXX. Mr. Speaker, I now yield 1 minute to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentlelady.

If I may inquire of the majority manager, I have a question regarding section 2 of the rule. This provision changes the date by which the Chairman of the Committee on Appropriations must file explanatory materials related to the omnibus appropriations bill. It is my understanding that the date change in section 2 of the rule is necessary because the text of the omnibus is not available at this time.

May I confirm for the record that it is still the majority's intent to make this material available at the same time the omnibus bill is introduced?

I will yield to the gentleman for an answer.

Mr. POLIS of Colorado. I would like to thank the gentleman from Georgia.

We originally thought that the omnibus would be ready today, so we required a previous rule that Chairman OBEY file a statement by today explaining the bill. The bill is delayed potentially until after the recess so the

rule changes the statement deadline to February 26. It is our intention to file the statement when the bill is introduced.

□ 1415

Mr. BROUN of Georgia. So I want to confirm this. You will file it today.

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

Ms. FOXX. I give the gentleman 10 seconds.

Mr. BROUN of Georgia. I think it's a crying shame that the majority's not using regular order. We wouldn't have this if we were using regular order on this bill and many others. And I suggest that the majority start using regular order for all these bills.

Mr. POLIS of Colorado. I don't have any further speakers at this point, Mr. Speaker, and I would like to reserve the right to close until the gentlewoman has closed for her side and has yielded back her time.

Ms. FOXX. May I inquire exactly how much time we have left, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman has 50 seconds remaining on her side. The gentleman from Colorado has 7 minutes remaining on his side.

Ms. FOXX. Mr. Speaker, there has been a lot of talk about the need for debate on this bill, and I want to say that Mr. HOYER has said himself, our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and best product.

I agree with my colleagues that this has been a terrible process. We have not debated the extension of this deadline.

I also want to say that June 17 is a Friday. We're going into tornado season March 1st, hurricane season June 1st. We have the potential for harming the very people the majority says that it wants to help because they will not be able to get the help they need.

The numbers they have been throwing around are exaggerated and, in some cases, absolutely wrong. There are 10 million coupons out there, and the numbers were January 22 numbers. I want to urge defeat of the rule and say, again, we should be doing this under regular order.

I yield back.

Mr. POLIS of Colorado. Mr. Speaker, on September 7, 1927, Philo Farnsworth flipped a switch and brought television into the world. Nothing has been the same since.

We can all remember our childhood, our growing up experiences with television, those of the next generation. It's had an impact culturally, both positive and negative. It's brought us closer together and yet further apart. And yet we have grown to rely on television for so much of our news and so much of our communication as well.

Mr. Speaker, without this bill, in just 13 days, television will no longer work

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

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

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

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

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

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

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

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

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

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

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

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

DTV DELAY ACT

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

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 352

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

SECTION 1. SHORT TITLE.

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

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

(c) LICENSE TERMS.—

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

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

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

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

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

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

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

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

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

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

SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

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

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

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

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

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

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

The Chair recognizes the gentleman from Virginia.

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

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

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

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

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

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