Congress of the United States
House of Representatives
Washington, D.C. 20515

January 27, 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H2-32, U.S. Capitol
Washington, D.C.

Dear Speaker Pelosi:

We urge you to not bring S. 328 to the House floor under a suspension of the rules today. In addition to creating confusion among millions of consumers, suspending the normal rules in order to pass this bill would complete the mockery of our institution that this process has become. This is panic on the way to becoming law, and regardless of the underlying issue, the public just deserves better behavior from its lawmakers.

Twice in the last two weeks, Chairman Waxman has scheduled a business meeting to consider legislation delaying the digital television (DTV) transition, and then cancelled the meeting. Most recently, today's scheduled markup was dropped last night. Today, we get notice that you want the House, under a suspension of the rules, to consider the DTV delay bill that the Senate passed without a vote last night.

Turning to the merits of the bill—there are none.

Our public safety sector has been pleading since 1996 for access to the broadcast spectrum that would be freed up by the DTV transition, and which they need desperately for emergencies like 9/11. Instead they've become like the fictional refugees who got as far as Casablanca in the '40s, only to "wait, and wait, and wait." Osama bin Laden isn't fictional, and he isn't waiting. That should be reason enough to go full speed ahead with the DTV transition. Instead we're suspending the rules in order to wait, and wait, and wait?

Waiting another half year also will not move a single television viewer off the coupon waiting list. Despite claims to the contrary, the bill will not clear the spectrum that police, firefighters, and emergency personnel need. They said they needed it five years to the day before September 11, 2001. Indeed, the main communications-related recommendation of the 9/11 commission was to complete the DTV transition so that this spectrum can start being used for public safety.

The bill also will jeopardize the spectrum for advanced wireless services, which is perhaps our nation's best and quickest way to improve broadband deployment, stimulate the economy, and create jobs. Additionally, we note that tomorrow's consideration of the so-called stimulus package contains an additional $650 million to throw at the DTV conversion issue.

This delay is not necessary; nor is the $650 million in the stimulus needed. The DTV converter coupon program is not out of money; only half of the $1.5 billion in the coupon program has been spent. For the past three weeks, we have known exactly what we need to do in order to get rid of the backlog in requests for DTV converter coupons. In fact, last week we introduced a bill, H.R. 661, which would clear the coupon backlog without busting the budget or delaying the transition.

Further delaying the DTV transition deadline will confuse consumers without clearing the waiting list, jeopardize public safety and wireless broadband spectrum, cost broadcasters and industry a fortune in additional preparations, and engender further spending of at least $650 million in the stimulus package to pick up the pieces.

We urge you to reconsider putting S. 328 on the floor today. We stand ready to work with you to quickly pass H.R. 661 or something similar so that those consumers who have requested a DTV converter box coupon can get one before the February 17 deadline. We need to keep our promise to public safety officials, wireless providers, broadcasters, and the American people.

Sincerely,

Joe Barton
Ranking Member
Committee on Energy and Commerce

Cliff Stearns
Member

cc: Henry A. Waxman
Chairman
Committee on Energy and Commerce

Rick Boucher
Chairman
Communications, Technology, and the Internet