bipartisan bill was put forward which would have given judges a long-awaited pay raise. The Federal Judicial Salary Restoration Act of 2008 would have brought judicial salaries more closely in line with what the position merits. Although this bill had support on both sides of the aisle, we were unable to pass it this year. We will return to that proposal in the very near future.

The bill we have introduced today simply seeks to adjust judicial salaries for the cost of living. I favor a proposal, included in the Salary Restoration Act, which would guarantee judges a cost-of-living adjustment every year. But at the very least, we must provide such an increase for this year.

Between 1993 and 2001, the Federal judiciary has received only three out of eight proposed cost-of-living adjustments. Because Congress's failure to act, judicial pay has declined relative to the cost-of-living. When judicial independence is threatened. It is time to pass this legislation.

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broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital broadcasting.

There being no objection, the Senate proceeded to consider the bill. 

Mr. ROCKEFELLER. Mr. President, I rise today to discuss a very important change that is set to occur all across America on February 17, 2009: The final switch from analog to digital broadcast television called the DTV, or Digital TV, Transition.

In many respects this is not a new issue. The wheels have been in motion on this change since 2005—spurred by the horrible tragedy of September 11th which starkly highlighted our desperate need for a national, interoperable communications network. The transition to digital TV will free up spectrum for public safety use so the national emergency communications network America needs can be put in place.

But there have been serious concerns about our readiness to make the shift to digital TV, and several of my colleagues and I have been raising red flags for years now because we believe the change is a mistake, but because we believe that not enough has been done to prepare, educate, and to help American consumers so that the screens on their television sets do not go black 88 days from now.

What is the change from analog to digital broadcast? Over-the-air broadcasters will send their signal over digital spectrum, not analog spectrum that is currently used. The change won’t affect consumers with cable or satellite TV or those who have a converter box for their older analog TV set. And the switch to digital will improve the definition and clarity of the TV picture.

Why are we making this change? Primarily to modernize our airwaves and use the more efficient digital spectrum for a smarter use of our limited spectrum resources for the public good. The change will, again, free up critically needed spectrum so that we can move toward the nationally interoperable public safety communications network we need. It will also allow over-the-air broadcasters to offer new and innovative programming and provide new spectrum for wireless technologies.

The DTV Act was enacted as part of the Deficit Reduction Act of 2005. It directs the Federal Communications Commission, FCC, to require all full power television stations to cease analog broadcasting following February 17, 2009. That day is 88 days from now. What this means—and let me be very clear—is that any consumer with traditional analog televisions—regular TV pictures and least expensive way that conditional analog televisions—regular TV sets that use an antenna to get a signal—will not be able to watch free, over-the-air television without taking one of three steps to adapt their TV to receive a digital signal. The most common and least expensive way that consumers can adapt their TV will be to buy a digital-to-analog converter box to hook up to their analog television set. While seemingly a highly technical issue to some, this is no small matter to the 10-13 million Americans who might well lose their TV signal on February 18th of next year. I firmly believe that our Nation is not ready to make this transition without substantially more involvement from every level of government, the entire telecommunications industry, and willing community organizations across America. At present, most experts agree that the transition will unleash a massive amount of consumer confusion. And when people are cut off from their televisions, it is not just a matter of convenience, but it is a matter of public safety. We simply cannot stand by and let people lose access to emergency alerts and public safety communications.

I am especially concerned because this transition is going to hit our most vulnerable citizens—the poor, the elderly, the disabled, and those with language barriers—the hardest. We risk leaving those who are most reliant on over-the-air broadcast television for their daily news and entertainment literally in the dark. These consumers are disproportionately rural.

In 2005, the outgoing administration and its proponents decided to leave almost all of the implementation of the transition to the broadcasters, cable and satellite companies, and consumer electronics retailers. While there are claims that hundreds of millions of private sector dollars have been spent making Americans aware of the DTV transition, it seems that most Americans have no idea what it really is even if they have heard of it. New surveys suggest more consumers are growing aware of the transition, but that consumers remain confused about what steps they need to take to get ready for it. Consumer Reports has found that 63 percent have major misconceptions about what steps they need to take to prepare.

The recent DTV transition test market of Wilmington, NC demonstrated that, even with extraordinary levels of outreach, some still did not know anything about the DTV transition. I would note that Wilmington received far more attention than any market in West Virginia is likely to receive, or any other part of the country for that matter.

Even in the test market, several thousand people called into the FCC for assistance—they could not set up their converter box, they could not receive certain digital signals, or their antennas needed adjustment—just to name a few of the problems. Consumers, especially the elderly and those with limited English proficiency, are going to need help in managing the transition. On February 17, 2009, those thousands of calls will become millions.

There is no question the transition to DTV could have and should have been far better managed and far better planned. But at this point, we must focus on fixing it, not laying blame.

Last night, I asked unanimous consent for the Senate to take up S. 3663, the Short-term Analog Flash and Emergency Readiness Act, as amended. This bill will allow those consumers who fall to make the DTV transition by February 17, 2009 are not left without access to emergency information. This bill will also allow those consumers to understand what steps they can take in order to restore their television signals by allowing an analog signal to continue to be broadcast in each regional market for an additional 30 days past February 17th.

Let me be clear: This bill is far from a silver bullet that will fix all the problems associated with the transition. I can assure my colleagues that the new Democratic leadership in Congress and the White House is committed to protecting the American consumer. Over the next few months, I will work with my colleagues on a more comprehensive plan of action to make sure millions of Americans receive the support and assistance they need to make their transition.

Mr. DORGAN. Mr. President, I ask unanimous consent that a Rockefeller substitute amendment which is at the desk be agreed to: the bill be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening a debate; and any statements related to the bill be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5698) was agreed to, as follows:

(Purpose: To provide for the short-term partial extension of analog broadcasting)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Short-term Analog Flash and Emergency Readiness Act”.

SEC. 2. COMMISSION ACTION REQUIRED.

(a) PROGRAM REQUIRED.—Notwithstanding any other provision of law, the Federal Communications Commission shall, not later than January 15, 2009, develop and implement a program to encourage and permit, to the extent technically feasible and subject to limitations as the Commission finds to be consistent with the public interest and the requirements of this Act, the broadcasting in the analog television service of public safety announcements and digital transition information specified in subsection (b) during the 30-day period beginning on the day after 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 and the cessation of broadcasting by full-power stations in the analog television service.

(b) INFORMATION REQUIRED.—The program required by subsection (a) shall provide for the broadcast of—

(1) emergency information, including critical details regarding the emergency, as brainstormed or required by law for full-power stations in the digital television service;
Mr. DORGAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motions to reconsider be laid upon the table, and that any statements related to the concurrent resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 435) was agreed to.

THE ADOPTION OF BLUEFIN TUNA CONSERVATION AND MANAGEMENT MEASURES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 709 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 709) expressing the sense of the Senate that the United States should pursue the adoption of bluefin tuna conservation and management measures at the 18th session of the Intertropical Commission on the Conservation of Atlantic Tunas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 709) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 709) was read the third time, and agreed to.

SEC. 4. DEFINITIONS.

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

The bill (S. 3663), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING THE USE OF EMMANCIATION HALL

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 435 received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 435) authorizing the use of Emancipation Hall on December 2, 2008, for ceremonies and activities by and with the permission of the Capitol Visitor Center to the public.

There being no objection, the Senate proceeded to consider the concurrent resolution.