

105TH CONGRESS  
1ST SESSION

# S. 705

To amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast stations from analog to digital transmission consistent with the Federal Communications Commission's Fifth Order and Report, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 6, 1997

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast stations from analog to digital transmission consistent with the Federal Communications Commission's Fifth Order and Report, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Digital Television Con-  
5       version Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds—

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1           (1) spectrum valued at \$70 billion has been  
2           given to the television broadcast industry at no  
3           charge to allow for conversion to a new system of  
4           digital television broadcasting;

5           (2) the only value to be realized for the United  
6           States Treasury in this process is from the auction  
7           of the returned analog channels;

8           (3) the Federal Communications Commission  
9           has not adopted any rule requiring television licens-  
10          ees to return the analog channels by January 1,  
11          2006;

12          (4) the Federal Communications Commission  
13          has not adopted any rule requiring more than 90  
14          percent of television stations to convert to digital  
15          transmission by any specified date;

16          (5) the Federal Communications Commission  
17          has not adopted any rule specifying a method for  
18          verifying licensees' compliance with the digital con-  
19          version schedule, or a formal method for tracking  
20          the penetration of digital broadcasting, thus delaying  
21          the return of the analog channels for auction;

22          (6) the absence of any requirement for conver-  
23          sion to digital television that has the force of law  
24          will increase the likelihood of delaying this conver-  
25          sion;

1           (7) delay in the conversion to digital television  
 2           will deny the American people the opportunity to  
 3           enjoy a broader array of services than current ana-  
 4           log television broadcasting; and

5           (8) delay in conversion to digital television will  
 6           harm the economy through loss in productivity and  
 7           loss in competition in the provision of digital receiv-  
 8           ers and programming.

9   **SEC. 3. DIGITAL TELEVISION SERVICE.**

10       Part I of title III of the Communications Act of 1934  
 11       (47 U.S.C. 301 et seq.) is amended by adding at the end  
 12       thereof the following:

13   **“SEC. 337. IMPLEMENTATION RULES FOR ADVANCED TELE-**  
 14       **VISION SERVICES.**

15       “(a) IN GENERAL.—In accordance with rules adopted  
 16       by the Commission in its Fifth Report and Order (MM  
 17       Docket No. 87–286), licensees shall provide free digital  
 18       video programming service at least comparable in  
 19       resolution to video programming service provided as of  
 20       the beginning of calendar year 1997 during the same peri-  
 21       ods of time as video programming service offered as of  
 22       the beginning of that year in accordance with the following  
 23       schedule:

24           “(1) For licensees of the 4 largest commercial  
 25       broadcast networks (including affiliates) serving the

1       10 largest broadcast markets as of April, 1997, such  
2       digital video programming service shall be provided  
3       no later than May 1, 1999.

4           “(2) For all licensees in the 10 largest broad-  
5       cast markets not described in paragraph (1), and for  
6       licensees of the 4 largest commercial television net-  
7       works (including affiliates), serving the 11th through  
8       30th broadcast markets as of April, 1997, such digi-  
9       tal video programming service shall be provided no  
10      later than November 1, 1999.

11      “(b) RETURN OF ANALOG SPECTRUM.—In accord-  
12      ance with those rules—

13           “(1) COMMERCIAL STATIONS.—Licensees of  
14       commercial television stations providing digital video  
15       programming service shall relinquish any analog  
16       spectrum assigned to them by the Commission no  
17       later than January 1, 2006.

18           “(2) NONCOMMERCIAL STATIONS.—Licensees of  
19       noncommercial television stations providing digital  
20       video programming service shall relinquish any ana-  
21       log spectrum assigned to them by the Commission  
22       no later than January 1, 2007.

23      “(c) LICENSEES OF NONCOMMERCIAL TELEVISION  
24      STATIONS.—The Commission, in accordance with those  
25      rules, may grant extensions of the time required for the

1 provision of digital video programming service under sub-  
2 section (a) (but not beyond January 1, 2007) if—

3 “(1) a licensee is unable to meet the require-  
4 ments of that subsection because of circumstances  
5 that are either—

6 “(A) unforeseeable; or

7 “(B) beyond the licensee’s control; and

8 “(2) the licensee has taken all reasonable steps  
9 to resolve the problem that precludes meeting the re-  
10 quirements of subsection (a) expeditiously.”.

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