

COMMUNICATIONS ACT AMENDMENTS—ASSISTING BOOSTER OPERATIONS

SEPTEMBER 4 (legislative day, AUGUST 31), 1959.—Ordered to be printed

Mr. PASTORE, from the Committee on Interstate and Foreign
Commerce, submitted the following

R E P O R T

[To accompany S. 1886]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1886) to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

PURPOSE

The purpose of this bill is to amend (1) section 318 of the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive, if the public interest, convenience, and necessity warrants, the statutory requirement concerning the operation of transmitting equipment used in booster or rebroadcasting operations; and (2) section 319 of the Communications Act so as to give the Federal Communications Commission discretion if it finds that the public interest, convenience, and necessity will be served thereby, to waive the requirement of a construction permit for a booster that is engaged solely in rebroadcasting television signals if such a booster was constructed on or before the enactment of this bill.

BACKGROUND

During the last two Congresses, your committee has held extended and exhaustive hearings on the television allocations problem in an effort to determine what steps could be taken to promote the development of a nationwide, competitive television system. Throughout all these hearings, your committee has repeated its interest in providing adequate television service to small communities—particularly those remote from large populated centers and the other oppor-

tunities for education and entertainment which they provide. This has involved consideration of such matters as satellite television stations, community antenna systems, boosters or repeaters, translators, and other factors affecting the character of service available to such communities and the rate at which service has been extended to them. The bill herein reported is limited in its application to booster operations or booster devices used in television rebroadcasting.

Boosters or repeaters have been used for some years as a means of extending television service to small communities remote from the metropolitan centers where television stations have been largely concentrated. They are technically the simplest and apparently the least expensive means of achieving that end. Stripped to its barest essentials, a booster consists of an ordinary rooftop antenna strategically located to receive a usable, though normally weak signal from the distant station, a shielded cable connected to a small amplifier and running to a second rooftop antenna so situated as to beam the signal down into the community to be served, and an available power supply to feed the amplifier. Such an array receives the distant signal, amplifies it and rebroadcasts it at low power on the same channel.

One of the earliest booster installations in the country and the one that has received the most attention from the FCC was the one serving Bridgeport, Wash. This community located at the site of Chief Joseph Dam in the gorge of the Columbia River lies some 100 miles from Spokane, Wash. Originally, it employed a simple array similar to that described above to bring the signals of the Spokane stations in usable form down into the townsite. Similar booster installations now serve hundreds of landlocked areas, sparsely settled communities and sections that are distant from regular television stations which otherwise would be without television service. Such booster installations have been made or at least the material provided by appliance dealers who hope to create a market for television sets. In most cases, however, the installations are cooperatively financed. The contributions are solicited, in nearly all the cases, throughout the community or memberships are sold in a television club in order to finance maintenance and operation of the system. This is necessary because boosters do not rest on any firm financial footing since there is no revenue to be gained therefrom.

NEED FOR THE LEGISLATION

The Federal Communications Commission has from time to time instituted various proceedings which involve the authorization of low-powered television repeater or booster operations, but had not seen its way clear to adopt any regulations to authorize the operation of boosters in the very high frequency portion of the spectrum.

Last session your committee conducted a lengthy and exhaustive hearing on the problem of television service for smaller communities. This hearing spread out over a period of 5 days in which various views concerning the best methods for making television service available in small communities were submitted for the committee's consideration. Following the hearing, a comprehensive staff report with specific findings and recommendations was prepared, issued on December 26, 1958, and forwarded to the Federal Communications Commission for its comments.

In the meantime, the Commission had under active consideration a proceeding concerning the authorization of low-power television repeater operation (docket No. 12116). Its inquiry into the impact of community antenna television systems, television translators, television satellites, and television repeaters, on the development of television broadcasting (docket 12443), was also being readied for final disposition.

On January 5, 1959, the FCC issued its report and order in docket 12116 in which a majority held that it would not adopt regulations authorizing the operation of a booster or repeater in the VHF band and released a public notice indicating that it would institute necessary legal proceedings to bring a halt to the unlicensed operation of boosters in the VHF band unless within 90 days the operating VHF boosters stated their intention to go to some other type of authorized television operation. It has been estimated that there were more than 1,000 of these VHF boosters operating at that time, particularly in the western part of the United States, serving thousands of people in sparsely settled areas and distant from any regularly operated television station. The Congress was deluged by protests on this Commission action.

On January 23, 1959, Senator Carroll, for himself and Senator Cannon, Senator Case of South Dakota, Senator Church, Senator Jackson, Senator McGee, Senator Moss, Senator O'Mahoney, Senator Mansfield, Senator Murray, and Senator Langer, introduced Senate Concurrent Resolution 4 which stated:

Whereas very high frequency television repeater or booster stations provide the least expensive and in many cases the only existing means of providing television service to many areas of the United States; and

Whereas the public in areas served by such stations is satisfied with the service provided; and

Whereas the replacement of such stations with other means of providing television service would involve considerable expense on the part of the public: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Federal Communications Commission should (1) authorize the operation of very high frequency television booster or repeater stations in all cases where the operation of such stations is a public convenience and necessity and where such operation does not actually cause objectionable interference with other communications or does not endanger the public safety, and (2) modify such of its rules and orders as may be necessary to carry out the policy expressed in this resolution.

On the same day Senator Allott, for himself and Senator Mundt, Senator Curtis, Senator Case of South Dakota, Senator Chavez, Senator Hruska, and Senator Goldwater, cosponsored Senate Joint Resolution 26, as follows:

To direct the Federal Communications Commission to authorize for a certain period the operation of very high frequency television booster stations, and for other purposes.

Whereas there are many communities and farm areas whose people depend upon very high frequency television

booster stations as their only means of receiving television programs; and

Whereas the terrain of many areas make the use of ultra high frequency translator stations impractical, if not, indeed, impossible, according to the opinions expressed by competent and qualified broadcast engineers, as well as by certain members of the Federal Communications Commission; and

Whereas it is economically impossible for these communities and farm areas to support, construct, or operate any other form of duly authorized television service; and

Whereas there is ample proof that low power booster stations can be regulated so as to preclude interference with licensed television services or other services; and

Whereas in spite of continued efforts on the part of many States and communities therein to obtain authorization for very high frequency television booster stations the Federal Communications Commission has over an unreasonably long period of time refused to grant such authorization and did on December 31, 1958, order the termination of the operation of all such stations within ninety days, without, in the opinion of many experts in the field, adequate reason for such summary action: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Communications Commission shall authorize such very high frequency television booster stations as were in operation on January 1, 1959, to continue operation until at least January 1, 1962, under such reasonable rules and regulations as the Commission may determine to be necessary.

SEC. 2. The Federal Communications Commission shall as soon as practicable make such recommendations to the Congress with respect to necessary amendments to the Federal Communications Act as the Commission may determine to be necessary in order to accelerate administrative determinations by the Commission under the provisions of such Act, and thereby avoid unnecessary public inconvenience and expense that may result from delayed administrative action on the part of the Commission.

Shortly thereafter the FCC by a public notice dated January 27, 1959, announced that it was giving further study to the legal and technical aspects of the problem and that such studies would include possible new legislation looking toward amending the Communications Act and provide more flexibility in administering section 319 and a possible relaxation of the operator requirements for broadcasting stations.

On February 11, 1959, the Commission announced that it had directed its staff to prepare a study for further consideration of the Commission summarizing the various rules and standards under which VHF translators and boosters might be licensed with particular reference to comments submitted in the booster proceedings and to include a possible rule amendment providing minimum safe criteria and standards for licensing.

On April 14, 1959, the Federal Communications Commission issued its public notice number 72034 and stated that it was recommending to

Congress that amendments be made to the Communications Act so as to permit it to license qualifying television repeaters or booster stations in the VHF band under certain conditions. In its announcement the Commission stated that it had studied the interference problem and taken into account all the interference factors and it was considering the adoption of minimum requirements that could be imposed upon VHF repeaters or booster operators as follows:

1. Transmission of the rebroadcast signals on a channel other than the channel on which the signal is received.
2. Maximum power output limited to no more than 1 watt.
3. Facilities for on and off remote control.
4. The designation of a person responsible for required periodic checks and other related functions.
5. The selection of transmitting frequency, appropriate minimum mileage separation from cochannel transmitters of regular television broadcast stations (still to be determined), and such other operating conditions as may be needed to insure reasonable protection to regular broadcast and nonbroadcast services.
6. Require repeaters to obtain consent of stations whose signals they rebroadcast, pursuant to section 325(a) of the act.

Specifically, the legislation recommended by the FCC sought amendments to section 319(d) so as to enable it to consider licensing such stations engaged solely in rebroadcasting television programs if they were constructed on or before January, 1959; also an amendment to section 318 to clarify the statutory requirements relating to radio operators of transmitting equipment used for that purpose.

Senator Warren G. Magnuson, chairman of your committee, introduced these proposals by request and they became S. 1739 and S. 1741. Senator Frank Moss and Senator James Murray shortly thereafter introduced S. 1886 and incorporated therein the proposals contained in S. 1739 and S. 1741 along with suggestions relating to community antenna television systems. These bills then became the subject of full and complete hearings at which all interested parties were afforded an opportunity to submit their views. Forty-five witnesses appeared, many statements, letters, and telegrams were received and made part of the record and considered by your committee in completing its deliberations. Your committee decided to strike all reference to the community antenna television system problem included in S. 1886 and treat that in a new and original bill, which has been ordered reported.

ANALYSIS OF THE BILL

S. 1886, as amended, was limited specifically to the rebroadcasting or booster problem even though your committee is cognizant of the fact that the booster problem relates to the community antenna television system situation. Generally, this bill has adopted the two proposals recommended by the FCC. Under the present provisions of section 318 of the Communications Act the actual operation of all transmitting equipment in any station licensed under the act must be operated by persons holding an operator's license issued by the FCC. At present, the Commission is given discretion to waive that requirement except for certain named categories. In recent years the art of transmitting has advanced tremendously and the Commission believes that it should have greater statutory latitude as to the require-

ments of operators of transmitting equipment engaged in rebroadcasting.

For instance, at present the Commission contends that section 318 requires an operator to be in personal attendance whereas in those situations involving the booster operation the testimony before your committee establishes it is enough for the operator to turn the equipment on, have it operated under his general control, but not be in personal attendance. This is particularly true of the transmitters engaged solely in rebroadcasting such as the boosters in small communities in mountainous terrain, especially out West. It was felt that section 318 prohibits this type of an operation. The amendment herein reported would grant the FCC limited discretion in waiving the operator requirement to those engaged solely in the function of rebroadcasting the signals of television broadcasting stations.

The FCC's original request urged broad discretion which would have permitted the Commission to waive the radio operator requirement for regular broadcast stations as well as for boosters. Your committee feels this request was too broad and that the hearing record would not support such a proposal and therefore limited the discretion being granted to the Commission by the bill herein reported to those operations engaged solely in the function of rebroadcasting the signals of television broadcasting stations. In other words, the discretion to waive the explicit requirement concerning the operation of transmitting equipment in accordance with section 318 is being granted to the FCC, but it is limited to that equipment used in booster operations.

The second proposal contained in this bill as reported by your committee concerns section 319 of the Communications Act. Under the present provisions of section 319 the FCC holds that it would be unable to issue licenses to those boosters that are now on the air since those facilities were constructed before the Commission granted such facility licenses. Under the longterm provisions of section 319 of the act the Commission contends it would be prohibited from authorizing the use of boosters if such boosters were constructed prior to the grant of a construction permit. The bill would amend section 319 so as to give the FCC sufficient discretion, if it finds that the public interest, convenience, and necessity would be served thereby, to waive the requirement of a construction permit for a booster that is engaged solely in rebroadcasting television signals if such booster was constructed on or before the enactment of this legislation.

It must be emphasized that facilities that are now operating will be required to meet all the requirements which may be promulgated by the FCC. Your committee hopes that the Federal Communications Commission will move quickly and expeditiously in adopting appropriate rules and regulations and that any possibility of interference through the operation of boosters can be kept to a minimum.

It is desirable for the Commission to adopt rules and regulations immediately so that those people who have held off construction while awaiting FCC action and deprived themselves of television service can now proceed to take the necessary steps to obtain television service.

Your committee is firmly convinced that the people in the smaller communities are entitled to television on the same basis as the people in the large communities. The committee feels sure that the Commission recognizes this and will act accordingly.

We urge enactment of this legislation.

Comments of the agencies follow:

CIVIL AERONAUTICS BOARD,
Washington, D.C., May 19, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate,
Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of May 14, 1959, in which you requested any comments the Board might have concerning S. 1886, a bill to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities.

Inasmuch as this legislation relates solely to community antenna television systems and certain rebroadcasting activities, which do not come within the jurisdiction of the Civil Aeronautics Board, this agency has no comment to make on the bill.

Sincerely yours,

JAMES R. DURFEE, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 20, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter of May 13, 1959, requests our comments on S. 1886, to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities.

We have no information on the need or desirability of the proposed legislation and, therefore, have no comments to offer.

This report is submitted in triplicate, as requested.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 30, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: There is transmitted herewith on behalf of the Federal Communications Commission 50 copies of comments relating to the amendment (in the nature of a substitute) to S. 1886, which bill was introduced by Senator Moss (for himself and Mr. Murray) on June 22.

In view of the relatively short time which the Commission has had to assimilate and prepare its views on this proposed amendment to S. 1886, it has been found necessary to forward the attached material directly to your committee without prior clearance from the Bureau of the Budget.

Sincerely yours,

JOHN C. DOERFER, *Chairman.*

THE SECRETARY OF COMMERCE,
Washington, July 9, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
 U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated April 22, 1959, for the views of this Department with respect to S. 1741, a bill to amend the Communications Act of 1934 with respect to the requirements for operating transmitting apparatus.

Enactment of S. 1741 would delete from section 318 of the act (47 U.S.C. 318) the requirement that radio stations engaged in broadcasting shall be operated only by persons holding a valid operator's license.

The Department of Commerce recommends favorable consideration of S. 1741.

Certain types of broadcasting stations, notably low-powered television boosters (rebroadcast transmitters), operate unattended, so that there is no functional need for full-time operating attention. The effect of the proposed enactment would be to remove the statutory requirement for full-time operating attention, and would give the Federal Communications Commission broader discretionary powers with respect to the requirement for licensed operators at any type of broadcasting transmitter, AM, FM, or TV.

The Department of Commerce feels that the proposed legislation is in the public interest, and that suitable safeguards to public safety and to prevent interference to other services can be provided for in the Commission's rules and regulations.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows: (existing law proposed to be omitted in enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations

for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, [(3) stations engaged in broadcasting, and] (3) stations engaged in broadcasting (other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations), and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further*, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.

CONSTRUCTION PERMITS

SEC. 319. (a) * * *

(b) * * *

(c) * * *

(d) * * * *Provided, however*, That such waiver shall apply only to stations whose construction is begun subsequent to the effective date of the waiver. *If the Commission finds that the public interest, convenience, and necessity would be served thereby, it may waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the date of enactment of this Act.*



COMMUNICATIONS ACT AMENDMENTS—ASSISTING BOOSTER OPERATIONS

SEPTEMBER 4 (legislative day, AUGUST 31), 1959.—Ordered to be printed

Mr. PASTORE, from the Committee on Interstate and Foreign
Commerce, submitted the following

R E P O R T

[To accompany S. 1886]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1886) to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

PURPOSE

The purpose of this bill is to amend (1) section 318 of the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive, if the public interest, convenience, and necessity warrants, the statutory requirement concerning the operation of transmitting equipment used in booster or rebroadcasting operations; and (2) section 319 of the Communications Act so as to give the Federal Communications Commission discretion if it finds that the public interest, convenience, and necessity will be served thereby, to waive the requirement of a construction permit for a booster that is engaged solely in rebroadcasting television signals if such a booster was constructed on or before the enactment of this bill.

BACKGROUND

During the last two Congresses, your committee has held extended and exhaustive hearings on the television allocations problem in an effort to determine what steps could be taken to promote the development of a nationwide, competitive television system. Throughout all these hearings, your committee has repeated its interest in providing adequate television service to small communities—particularly those remote from large populated centers and the other oppor-

tunities for education and entertainment which they provide. This has involved consideration of such matters as satellite television stations, community antenna systems, boosters or repeaters, translators, and other factors affecting the character of service available to such communities and the rate at which service has been extended to them. The bill herein reported is limited in its application to booster operations or booster devices used in television rebroadcasting.

Boosters or repeaters have been used for some years as a means of extending television service to small communities remote from the metropolitan centers where television stations have been largely concentrated. They are technically the simplest and apparently the least expensive means of achieving that end. Stripped to its barest essentials, a booster consists of an ordinary rooftop antenna strategically located to receive a usable, though normally weak signal from the distant station, a shielded cable connected to a small amplifier and running to a second rooftop antenna so situated as to beam the signal down into the community to be served, and an available power supply to feed the amplifier. Such an array receives the distant signal, amplifies it and rebroadcasts it at low power on the same channel.

One of the earliest booster installations in the country and the one that has received the most attention from the FCC was the one serving Bridgeport, Wash. This community located at the site of Chief Joseph Dam in the gorge of the Columbia River lies some 100 miles from Spokane, Wash. Originally, it employed a simple array similar to that described above to bring the signals of the Spokane stations in usable form down into the townsite. Similar booster installations now serve hundreds of landlocked areas, sparsely settled communities and sections that are distant from regular television stations which otherwise would be without television service. Such booster installations have been made or at least the material provided by appliance dealers who hope to create a market for television sets. In most cases, however, the installations are cooperatively financed. The contributions are solicited, in nearly all the cases, throughout the community or memberships are sold in a television club in order to finance maintenance and operation of the system. This is necessary because boosters do not rest on any firm financial footing since there is no revenue to be gained therefrom.

NEED FOR THE LEGISLATION

The Federal Communications Commission has from time to time instituted various proceedings which involve the authorization of low-powered television repeater or booster operations, but had not seen its way clear to adopt any regulations to authorize the operation of boosters in the very high frequency portion of the spectrum.

Last session your committee conducted a lengthy and exhaustive hearing on the problem of television service for smaller communities. This hearing spread out over a period of 5 days in which various views concerning the best methods for making television service available in small communities were submitted for the committee's consideration. Following the hearing, a comprehensive staff report with specific findings and recommendations was prepared, issued on December 26, 1958, and forwarded to the Federal Communications Commission for its comments.

In the meantime, the Commission had under active consideration a proceeding concerning the authorization of low-power television repeater operation (docket No. 12116). Its inquiry into the impact of community antenna television systems, television translators, television satellites, and television repeaters, on the development of television broadcasting (docket 12443), was also being readied for final disposition.

On January 5, 1959, the FCC issued its report and order in docket 12116 in which a majority held that it would not adopt regulations authorizing the operation of a booster or repeater in the VHF band and released a public notice indicating that it would institute necessary legal proceedings to bring a halt to the unlicensed operation of boosters in the VHF band unless within 90 days the operating VHF boosters stated their intention to go to some other type of authorized television operation. It has been estimated that there were more than 1,000 of these VHF boosters operating at that time, particularly in the western part of the United States, serving thousands of people in sparsely settled areas and distant from any regularly operated television station. The Congress was deluged by protests on this Commission action.

On January 23, 1959, Senator Carroll, for himself and Senator Cannon, Senator Case of South Dakota, Senator Church, Senator Jackson, Senator McGee, Senator Moss, Senator O'Mahoney, Senator Mansfield, Senator Murray, and Senator Langer, introduced Senate Concurrent Resolution 4 which stated:

Whereas very high frequency television repeater or booster stations provide the least expensive and in many cases the only existing means of providing television service to many areas of the United States; and

Whereas the public in areas served by such stations is satisfied with the service provided; and

Whereas the replacement of such stations with other means of providing television service would involve considerable expense on the part of the public: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Federal Communications Commission should (1) authorize the operation of very high frequency television booster or repeater stations in all cases where the operation of such stations is a public convenience and necessity and where such operation does not actually cause objectionable interference with other communications or does not endanger the public safety, and (2) modify such of its rules and orders as may be necessary to carry out the policy expressed in this resolution.

On the same day Senator Allott, for himself and Senator Mundt, Senator Curtis, Senator Case of South Dakota, Senator Chavez, Senator Hruska, and Senator Goldwater, cosponsored Senate Joint Resolution 26, as follows:

To direct the Federal Communications Commission to authorize for a certain period the operation of very high frequency television booster stations, and for other purposes.

Whereas there are many communities and farm areas whose people depend upon very high frequency television

booster stations as their only means of receiving television programs; and

Whereas the terrain of many areas make the use of ultra high frequency translator stations impractical, if not, indeed, impossible, according to the opinions expressed by competent and qualified broadcast engineers, as well as by certain members of the Federal Communications Commission; and

Whereas it is economically impossible for these communities and farm areas to support, construct, or operate any other form of duly authorized television service; and

Whereas there is ample proof that low power booster stations can be regulated so as to preclude interference with licensed television services or other services; and

Whereas in spite of continued efforts on the part of many States and communities therein to obtain authorization for very high frequency television booster stations the Federal Communications Commission has over an unreasonably long period of time refused to grant such authorization and did on December 31, 1958, order the termination of the operation of all such stations within ninety days, without, in the opinion of many experts in the field, adequate reason for such summary action: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Communications Commission shall authorize such very high frequency television booster stations as were in operation on January 1, 1959, to continue operation until at least January 1, 1962, under such reasonable rules and regulations as the Commission may determine to be necessary.

SEC. 2. The Federal Communications Commission shall as soon as practicable make such recommendations to the Congress with respect to necessary amendments to the Federal Communications Act as the Commission may determine to be necessary in order to accelerate administrative determinations by the Commission under the provisions of such Act, and thereby avoid unnecessary public inconvenience and expense that may result from delayed administrative action on the part of the Commission.

Shortly thereafter the FCC by a public notice dated January 27, 1959, announced that it was giving further study to the legal and technical aspects of the problem and that such studies would include possible new legislation looking toward amending the Communications Act and provide more flexibility in administering section 319 and a possible relaxation of the operator requirements for broadcasting stations.

On February 11, 1959, the Commission announced that it had directed its staff to prepare a study for further consideration of the Commission summarizing the various rules and standards under which VHF translators and boosters might be licensed with particular reference to comments submitted in the booster proceedings and to include a possible rule amendment providing minimum safe criteria and standards for licensing.

On April 14, 1959, the Federal Communications Commission issued its public notice number 72034 and stated that it was recommending to

Congress that amendments be made to the Communications Act so as to permit it to license qualifying television repeaters or booster stations in the VHF band under certain conditions. In its announcement the Commission stated that it had studied the interference problem and taken into account all the interference factors and it was considering the adoption of minimum requirements that could be imposed upon VHF repeaters or booster operators as follows:

1. Transmission of the rebroadcast signals on a channel other than the channel on which the signal is received.
2. Maximum power output limited to no more than 1 watt.
3. Facilities for on and off remote control.
4. The designation of a person responsible for required periodic checks and other related functions.
5. The selection of transmitting frequency, appropriate minimum mileage separation from cochannel transmitters of regular television broadcast stations (still to be determined), and such other operating conditions as may be needed to insure reasonable protection to regular broadcast and nonbroadcast services.
6. Require repeaters to obtain consent of stations whose signals they rebroadcast, pursuant to section 325(a) of the act.

Specifically, the legislation recommended by the FCC sought amendments to section 319(d) so as to enable it to consider licensing such stations engaged solely in rebroadcasting television programs if they were constructed on or before January, 1959; also an amendment to section 318 to clarify the statutory requirements relating to radio operators of transmitting equipment used for that purpose.

Senator Warren G. Magnuson, chairman of your committee, introduced these proposals by request and they became S. 1739 and S. 1741. Senator Frank Moss and Senator James Murray shortly thereafter introduced S. 1886 and incorporated therein the proposals contained in S. 1739 and S. 1741 along with suggestions relating to community antenna television systems. These bills then became the subject of full and complete hearings at which all interested parties were afforded an opportunity to submit their views. Forty-five witnesses appeared, many statements, letters, and telegrams were received and made part of the record and considered by your committee in completing its deliberations. Your committee decided to strike all reference to the community antenna television system problem included in S. 1886 and treat that in a new and original bill, which has been ordered reported.

ANALYSIS OF THE BILL

S. 1886, as amended, was limited specifically to the rebroadcasting or booster problem even though your committee is cognizant of the fact that the booster problem relates to the community antenna television system situation. Generally, this bill has adopted the two proposals recommended by the FCC. Under the present provisions of section 318 of the Communications Act the actual operation of all transmitting equipment in any station licensed under the act must be operated by persons holding an operator's license issued by the FCC. At present, the Commission is given discretion to waive that requirement except for certain named categories. In recent years the art of transmitting has advanced tremendously and the Commission believes that it should have greater statutory latitude as to the require-

ments of operators of transmitting equipment engaged in rebroadcasting.

For instance, at present the Commission contends that section 318 requires an operator to be in personal attendance whereas in those situations involving the booster operation the testimony before your committee establishes it is enough for the operator to turn the equipment on, have it operated under his general control, but not be in personal attendance. This is particularly true of the transmitters engaged solely in rebroadcasting such as the boosters in small communities in mountainous terrain, especially out West. It was felt that section 318 prohibits this type of an operation. The amendment herein reported would grant the FCC limited discretion in waiving the operator requirement to those engaged solely in the function of rebroadcasting the signals of television broadcasting stations.

The FCC's original request urged broad discretion which would have permitted the Commission to waive the radio operator requirement for regular broadcast stations as well as for boosters. Your committee feels this request was too broad and that the hearing record would not support such a proposal and therefore limited the discretion being granted to the Commission by the bill herein reported to those operations engaged solely in the function of rebroadcasting the signals of television broadcasting stations. In other words, the discretion to waive the explicit requirement concerning the operation of transmitting equipment in accordance with section 318 is being granted to the FCC, but it is limited to that equipment used in booster operations.

The second proposal contained in this bill as reported by your committee concerns section 319 of the Communications Act. Under the present provisions of section 319 the FCC holds that it would be unable to issue licenses to those boosters that are now on the air since those facilities were constructed before the Commission granted such facility licenses. Under the longterm provisions of section 319 of the act the Commission contends it would be prohibited from authorizing the use of boosters if such boosters were constructed prior to the grant of a construction permit. The bill would amend section 319 so as to give the FCC sufficient discretion, if it finds that the public interest, convenience, and necessity would be served thereby, to waive the requirement of a construction permit for a booster that is engaged solely in rebroadcasting television signals if such booster was constructed on or before the enactment of this legislation.

It must be emphasized that facilities that are now operating will be required to meet all the requirements which may be promulgated by the FCC. Your committee hopes that the Federal Communications Commission will move quickly and expeditiously in adopting appropriate rules and regulations and that any possibility of interference through the operation of boosters can be kept to a minimum.

It is desirable for the Commission to adopt rules and regulations immediately so that those people who have held off construction while awaiting FCC action and deprived themselves of television service can now proceed to take the necessary steps to obtain television service.

Your committee is firmly convinced that the people in the smaller communities are entitled to television on the same basis as the people in the large communities. The committee feels sure that the Commission recognizes this and will act accordingly.

We urge enactment of this legislation.

Comments of the agencies follow:

CIVIL AERONAUTICS BOARD,
Washington, D.C., May 19, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate,
Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of May 14, 1959, in which you requested any comments the Board might have concerning S. 1886, a bill to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities.

Inasmuch as this legislation relates solely to community antenna television systems and certain rebroadcasting activities, which do not come within the jurisdiction of the Civil Aeronautics Board, this agency has no comment to make on the bill.

Sincerely yours,

JAMES R. DURFEE, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 20, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter of May 13, 1959, requests our comments on S. 1886, to amend the Communications Act of 1934 with respect to community antenna television systems and certain rebroadcasting activities.

We have no information on the need or desirability of the proposed legislation and, therefore, have no comments to offer.

This report is submitted in triplicate, as requested.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 30, 1959.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MAGNUSON: There is transmitted herewith on behalf of the Federal Communications Commission 50 copies of comments relating to the amendment (in the nature of a substitute) to S. 1886, which bill was introduced by Senator Moss (for himself and Mr. Murray) on June 22.

In view of the relatively short time which the Commission has had to assimilate and prepare its views on this proposed amendment to S. 1886, it has been found necessary to forward the attached material directly to your committee without prior clearance from the Bureau of the Budget.

Sincerely yours,

JOHN C. DOERFER, *Chairman.*

THE SECRETARY OF COMMERCE,
Washington, July 9, 1959.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in reply to your request dated April 22, 1959, for the views of this Department with respect to S. 1741, a bill to amend the Communications Act of 1934 with respect to the requirements for operating transmitting apparatus.

Enactment of S. 1741 would delete from section 318 of the act (47 U.S.C. 318) the requirement that radio stations engaged in broadcasting shall be operated only by persons holding a valid operator's license.

The Department of Commerce recommends favorable consideration of S. 1741.

Certain types of broadcasting stations, notably low-powered television boosters (rebroadcast transmitters), operate unattended, so that there is no functional need for full-time operating attention. The effect of the proposed enactment would be to remove the statutory requirement for full-time operating attention, and would give the Federal Communications Commission broader discretionary powers with respect to the requirement for licensed operators at any type of broadcasting transmitter, AM, FM, or TV.

The Department of Commerce feels that the proposed legislation is in the public interest, and that suitable safeguards to public safety and to prevent interference to other services can be provided for in the Commission's rules and regulations.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

FREDERICK H. MUELLER,
Acting Secretary of Commerce.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows: (existing law proposed to be omitted in enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations

for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, [(3) stations engaged in broadcasting, and] (3) *stations engaged in broadcasting (other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations), and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: Provided further, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.*

CONSTRUCTION PERMITS

SEC. 319. (a) * * *

(b) * * *

(c) * * *

(d) * * * *Provided, however, That such waiver shall apply only to stations whose construction is begun subsequent to the effective date of the waiver. If the Commission finds that the public interest, convenience, and necessity would be served thereby, it may waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the date of enactment of this Act.*

