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8/7/1/76

APPROVED

JUL 1 - 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: July 3

June 30, 1976

Posted
7/2/76
archived
7/2/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

S. 2847 - Translator Broadcast
Station Operations

Attached for your consideration is S. 2847, sponsored by Senators Magnuson and Pearson.

The enrolled bill would authorize the Federal Communications Commission to allow radio translator broadcast stations to operate unattended in the same manner as is now permitted for TV translator broadcast stations and would authorize FCC to allow radio and TV translator stations to originate a limited amount of local programming without having an FCC-licensed operator in attendance. The bill is identical to an FCC proposal submitted to Congress.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2847 at Tab B.



A



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2847 - Translator Broadcast Station
Operations
Sponsor - Sen. Magnuson (D) Washington and Sen. Pearson
(R) Kansas

Last Day for Action

July 3, 1976 - Saturday

Purpose

To authorize radio translator broadcast stations to operate un-attended, and to authorize radio and TV translator broadcast stations to originate limited amounts of local programming.

Agency Recommendations

Office of Management and Budget	Approval
Federal Communications Commission	Approval
Office of Telecommunications Policy	Approval
Department of Justice	Approval
Department of Commerce	No objection

Discussion

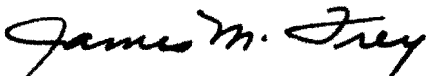
S. 2847 would authorize the Federal Communications Commission (FCC) to allow radio translator broadcast stations to operate unattended in the same manner as is now permitted for TV translator broadcast stations. In addition it would authorize FCC to allow radio and TV translator stations to originate a limited amount of local programming without having an FCC-licensed operator in attendance. It is identical to an FCC proposal submitted to Congress.

Translator stations are generally low-power broadcasting stations which receive the incoming signals of a TV or FM radio station, amplify the incoming signals, convert (or "translate") them

to a different output frequency, and rebroadcast them to a community area. Translator stations provide a useful service to areas that receive no direct reception or limited direct reception of signals because of terrain or distance. They are especially useful in rural and mountainous regions.

In 1960, the Communications Act of 1934 was amended to allow TV translator stations to operate without an FCC-licensed operator on duty. There were no FM translator stations until 1970 and thus the 1960 amendment was not written to cover them. S. 2847 would allow all translator stations to operate unattended. Having an FCC-licensed operator on duty at all times is economically infeasible for most stations.

S. 2847 would also allow a translator station to originate a small amount of programming without losing its exemption from the requirement of having a licensed operator on duty. This would allow the station to present local news and weather and to help defray costs by carrying some commercial messages. Currently, the only change allowed to a rebroadcast signal is 30 seconds per hour for commercial messages, and only for UHF TV stations. No other type of translator station is currently allowed any program origination. The exact limits of program origination authorized by this enrolled bill would be established by FCC regulation.


Assistant Director for
Legislative Reference

Enclosures

B

7/2

Mr. J -

Pls add to the
bill files. Kate

To: J. Conaway
6-28-76
5:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2847 - Translator Broadcast Station
Operations
Sponsor - Sen. Magnuson (D) Washington and Sen. Pearson
(R) Kansas

Last Day for Action

July 3, 1976 - Saturday

Purpose

To authorize radio translator broadcast stations to operate un-attended, and to authorize radio and TV translator broadcast stations to originate limited amounts of local programming.

Agency Recommendations

Office of Management and Budget	Approval
Federal Communications Commission	Approval
Office of Telecommunications Policy	Approval
Department of Justice	Approval
Department of Commerce	No objection

Discussion

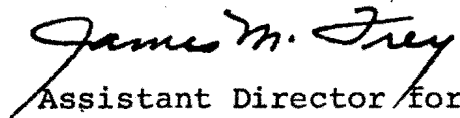
S. 2847 would authorize the Federal Communications Commission (FCC) to allow radio translator broadcast stations to operate unattended in the same manner as is now permitted for TV translator broadcast stations. In addition it would authorize FCC to allow radio and TV translator stations to originate a limited amount of local programming without having an FCC-licensed operator in attendance. It is identical to an FCC proposal submitted to Congress.

Translator stations are generally low-power broadcasting stations which receive the incoming signals of a TV or FM radio station, amplify the incoming signals, convert (or "translate") them

to a different output frequency, and rebroadcast them to a community area. Translator stations provide a useful service to areas that receive no direct reception or limited direct reception of signals because of terrain or distance. They are especially useful in rural and mountainous regions.

In 1960, the Communications Act of 1934 was amended to allow TV translator stations to operate without an FCC-licensed operator on duty. There were no FM translator stations until 1970 and thus the 1960 amendment was not written to cover them. S. 2847 would allow all translator stations to operate unattended. Having an FCC-licensed operator on duty at all times is economically infeasible for most stations.

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Assistant Director for
Legislative Reference

Enclosures

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 28 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2945 - National Museum of Smithsonian
Institution
Sponsor - Sen. Scott (R) Pennsylvania

Last Day for Action

July 5, 1976 - Monday

Purpose

Extends for three fiscal years the appropriation authorization of \$1,000,000 to the Smithsonian Institution for the National Museum Act.

Agency Recommendations

Office of Management and Budget	Approval
Smithsonian Institution	Approval
National Endowment for the Arts	Approval
National Endowment for the Humanities	Approval

Discussion

The National Museum Act of 1966 authorized the Smithsonian Institution to fund projects for such purposes as research in museum techniques, studies of the status of art conservation efforts, and training in museum practices. Funds are currently authorized through 1977 for the Act.

The enrolled bill would authorize appropriations of \$1,000,000 each for fiscal years 1978, 1979 and 1980 to carry out the Act.



To -
J. Casper
6-28-76
5:00 p.m.

The extension would not increase the authorization level, which has remained at \$1 million since 1970. Actual funding has ranged from about \$600,000 to \$900,000 for the past five years, and \$807,000 was requested in your 1977 Budget. Future Smithsonian budget requests are expected to remain at about the same level.

James M. Frey

Assistant Director
for Legislative Reference

Enclosures

7/6

Can -

To add to the bill

files, pls.

Kate

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 900am

FOR ACTION: Lynn May *ok*
Max Friedersdorf *ok*
Ken Lazarus *ok*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 29

Time: 500pm

SUBJECT:

S. 2847 - Translator Broadcast Station Operations

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to Judy Johnston

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

JUN 24 1976

IN REPLY REFER TO:

3200

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management & Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your June 22 request for the Commission's views and recommendations on enrolled bill S. 2847.

S. 2847 would amend section 318 of the Communications Act of 1934, as amended, to enable the Commission to authorize FM radio translator stations to operate without a licensed operator as is now permitted for television translator stations and to permit all types of broadcast translator stations to originate limited amounts of local programming.

Translator stations are low-power broadcasting stations which receive signals from either television or FM radio stations and retransmit those signals to communities where, because of terrain or extreme distances, it is not possible to receive the signals directly. They frequently provide small communities with their only source of television or FM radio service.

Section 318 of the Communications Act limits translator stations to the rebroadcast of signals of their primary stations. They are not allowed to make any significant alteration of the characteristics of the incoming signals and, while the Commission has interpreted section 318 to allow 30 seconds of commercial advertising per hour by UHF television translators, no program origination is allowed. Because of these restrictions, such stations are not self-supporting. Rather, they must rely on public generosity for their support. Furthermore, in many instances, these restrictions deprive those people dependent on translator service of their only possible source of local programming, such as emergency weather alerts and information on local political events. S. 2847 solves these problems by giving the Commission authority to allow a limited amount of program origination on such stations.

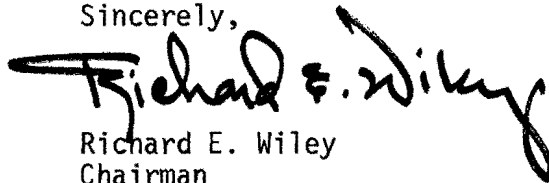
The Act does not set a specific limitation on the amount of local origination that would be permitted, but gives the Commission authority to set an appropriate limitation in a rulemaking proceeding where the comments of all interested parties can be analyzed and evaluated. The Commission, in deciding on an appropriate limitation, will still be bound by the requirement of section 318 that such originations be limited to the extent necessary to ensure that translator stations retain their primary characteristic as rebroadcast stations.

Section 318 now requires a licensed operator for all broadcast stations except those "engaged solely in the function of rebroadcasting the signals of television broadcast stations." This excepts television translators from the licensed operator requirement provided no material is originated on the translator.

Technical development now enables FM translators without a licensed operator on duty to operate without causing interference to other radio services. The Commission believes that section 318 should reflect this advanced technology by excepting FM broadcast translators from the licensed operator requirement. S. 2847 accomplishes this purpose.

This Act is part of the Federal Communications Commission's legislative program for the 94th Congress and we urge that the President sign it into law.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Wiley". The signature is written in a cursive, flowing style with a large, sweeping initial "R".

Richard E. Wiley
Chairman

OFFICE OF TELECOMMUNICATIONS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20504


DEPUTY DIRECTOR

June 25, 1976

MEMORANDUM FOR

ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE
OFFICE OF MANAGEMENT AND BUDGET
ATTENTION: MS. RAMSEY

FROM:

John Eger 

SUBJECT:

S. 2847, an enrolled bill to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programming, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations.

You have asked for our views and recommendations on the above referenced bill.

Translator stations are essentially low-powered, inexpensive broadcast relay stations that receive an over-the-air broadcast signal and retransmit it on (i.e., translate it to) another unused channel. Translators are typically used to extend the reach of broadcast signals to communities too small to financially support a local station and that are otherwise beyond the reach of existing broadcast service because of terrain or extreme distance. Their operations are generally supported as part of the service of nearby broadcast stations, through local contributions, or with respect to UHF television translators, by the sale of advertising time limited to 30 seconds per hour.

Section 318 of the Communications Act presently requires that the transmitting equipment of broadcast stations be operated only by licensed personnel. The Commission is authorized to waive this requirement, however, for stations "engaged solely in the function of rebroadcasting the signals of television broadcast stations." (emphasis added). The Commission has interpreted these requirements to preclude the origination of other than a de minimis amount of programming by television translator stations, most of which could not financially afford the cost of licensed operators in any event. (Report and Order, Docket No. 15971, 13 FCC 2d 305, 315 (1968)).

By substituting the word "primarily" for the word "solely" in Section 318, provision is made for the origination of some programming by translator stations which, in effect, become mini-broadcast stations. The financial viability of translators should thereby be enhanced by their ability to sell advertising time and to originate direct solicitations for contributions to defray operating costs. Most important, those who are presently without local broadcast service will be able to receive information of local concern in consequence of this amendment.

While expansion in the number of outlets for local expression and the resulting increase in diversity of programming to rural Americans must be considered a public good, it should also be recognized, however, that a significant increase in locally originated programming by translators could raise collateral regulatory issues. First, there are parity of regulation questions implicit in permitting untended program origination operations by translators when broadcast stations are required to employ licensed operators. Second, adherence to technical standards and interference problems may be created by such untended operation. Most importantly, however, translators may be viewed as competitors to conventional broadcast stations and cable TV systems for audience and revenues. Enhancement of translator services, through the introduction of locally originated programming, may fragment local audiences and adversely affect the capability of broadcasting and cable systems to provide comprehensive public services in the same areas.

In that the "primary" function of translators to rebroadcast television signals remains unaltered by this amendment, however, it has not been seriously opposed by the affected industries. FCC authority to determine and limit the origination of local programming by translators is preserved also under this amendment, and interested parties would have opportunity to comment in any public rule making proceeding on that issue. It is unnecessary, therefore, for the Administration to consider these problems at present. Moreover, in that this amendment looks to a partial elimination of restrictive regulatory policies, it is consistent with the Administration's programs on deregulation.

Finally, S. 2847 would allow operation of FM radio translators on the same intended basis presently authorized for television translators. When Section 318 was enacted television translators were the only type in operation. This amendment recognizes the technological advances in translator design since that time and would merely update the original intent of the section by deleting the limiting word "television" from Section 318.

In view of the above, the Office of Telecommunications Policy recommends that S. 2847 be signed by the President.

Department of Justice
Washington, D.C. 20530

June 25, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, we have examined a facsimile of the enrolled bill S. 2847, "To amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programming, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations."

Translator stations are low-power, supplementary broadcasting stations used to relay the signals of primary stations so as to make broadcast television and FM radio services available primarily in sparsely populated and mountainous areas of the Nation. In many rural areas, they are the only source of such services that is economically or technically feasible at this time.

Currently there are about 3,000 translators, a majority owned and operated by nonprofit community organizations. S. 2847, which is similar to legislation proposed by the Federal Communications Commission, has as a purpose enabling TV translators to originate limited commercial programming to help defray the costs of operation. The bill would also effect a technical amendment to allow FM radio translators to function more economically.

This enactment would remove present unnecessary impediments to fuller development of translator services. It has significant potential to expand the availability of broadcast services particularly in small rural communities that lack direct television service. We believe this is a worthwhile and desirable goal.

Accordingly, the Department of Justice recommends
Executive approval of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Uhlmann". The signature is written in black ink and is positioned above the typed name.

Michael M. Uhlmann
Assistant Attorney General



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

JUN 24 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

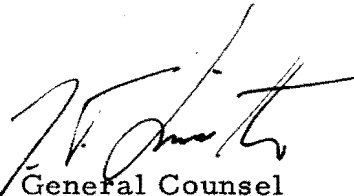
This is in reply to your request for the views of this Department concerning S. 2847, an enrolled enactment

"To amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programming, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations."

We believe that the amendments proposed in S. 2847 should enable the Federal Communications Commission to improve the quality of broadcast service available to rural and other remote areas of the country. Accordingly, we would have no objection to approval by the President of S. 2847.

Enactment of this legislation would not involve any expenditure of funds by this Department.

Sincerely,


General Counsel



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 900am

FOR ACTION: Lynn May
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 29

Time: 500pm

SUBJECT:

S. 2847 - Translator Broadcast Station Operations

ACTION REQUESTED:

..... For Necessary Action

..... For Your Recommendations

..... Prepare Agenda and Brief

..... Draft Reply

...X... For Your Comments

..... Draft Remarks

REMARKS:

please return to Judy Johnston

No objection -- Ken Lazarus 6/29/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

June 30, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M. L. F.*
SUBJECT: S. 2847 - Translator Broadcast Station Operations

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 900am

FOR ACTION: Lynn May
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 29

Time: 500pm

SUBJECT:

S. 2847 - Translator Broadcast Station Operations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston

Resourced Approval

A. L. King

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

COMMUNICATIONS ACT AMENDMENT—TRANSLATOR BROADCAST STATION OPERATIONS

MAY 25, 1976.—Ordered to be printed

Mr. MAGNUSON (for Mr. PASTORE), from the the Committee on
Commerce, submitted the following

REPORT

[To accompany S. 2847]

The Committee on Commerce, to which was referred the bill (S. 2847) to amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programming, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SUMMARY AND PURPOSE OF THE LEGISLATION

S. 2847 was introduced January 19, 1976 by Senators Magnuson and Pearson by request of the Federal Communications Commission (FCC).

Section 318 of the Communications Act of 1934 presently requires a licensed operator for all broadcast stations except those "engaged solely in the function of rebroadcasting the signals of television broadcast stations" (clause (3) of the first proviso). This provision excepts television broadcast translators—both VHF and UHF—from the licensed operator requirement provided no material is originated on the translator.

S. 2847 would amend section 318 by deleting the word "television" from the above-quoted clause, thereby allowing the FCC to authorize unattended FM broadcast translator operation in the same manner now permitted for television broadcast translators.

S. 2847 would also amend section 318 by deleting the word "solely" from the above-quoted clause and substituting the word "primarily" thereby enabling the FCC to authorize translator broadcast stations to originate limited amounts of local programming.

BACKGROUND AND NEED FOR LEGISLATION

Translator stations are low-power broadcasting stations which receive the incoming signals of a television or FM radio station, amplify the incoming signals, convert—or “translate”—them to a different output frequency, and retransmit the signals to the community or area to be served. Translators have been utilized in areas of the country where, because of terrain or extreme distances, it is not possible to receive the signals of originating television or FM radio stations directly off-the-air. They have developed as a simple and relatively inexpensive means of making broadcast service available to small, sparsely populated communities where demand for television and FM radio is great and financial resources are meager. In such areas, translators often provide local residents with their only source of television or FM radio reception. The following table indicates the distribution of translators operating in the United States:

	UHF television translators	VHF television translators	FM translators
Alabama.....	5	0	0
Alaska.....	4	125	1
Arizona.....	53	80	5
Arkansas.....	4	3	-----
California.....	103	155	14
Colorado.....	76	296	21
Connecticut.....	4	0	1
Delaware.....	0	0	-----
District of Columbia.....	0	0	-----
Florida.....	10	0	-----
Georgia.....	10	0	1
Hawaii.....	20	4	2
Idaho.....	25	92	8
Illinois.....	4	1	-----
Indiana.....	2	0	-----
Iowa.....	23	6	3
Kansas.....	9	24	2
Kentucky.....	5	25	-----
Louisiana.....	2	2	-----
Maine.....	2	9	-----
Maryland.....	2	12	3
Massachusetts.....	0	1	-----
Michigan.....	14	8	3
Minnesota.....	62	11	4
Mississippi.....	1	2	-----
Missouri.....	9	8	1
Montana.....	32	263	13
Nebraska.....	27	46	1
Nevada.....	51	107	8
New Hampshire.....	2	4	-----
New Jersey.....	0	0	-----
New Mexico.....	59	125	1
New York.....	81	17	-----
North Carolina.....	6	47	-----
North Dakota.....	1	36	-----
Ohio.....	3	0	-----
Oklahoma.....	14	11	-----
Oregon.....	88	146	4
Pennsylvania.....	39	7	1
Rhode Island.....	1	0	-----
South Carolina.....	1	5	-----
South Dakota.....	7	40	-----
Tennessee.....	2	12	-----
Texas.....	80	30	-----
Utah.....	63	246	52
Vermont.....	6	3	-----
Virginia.....	40	7	4
Washington.....	56	158	9
West Virginia.....	8	2	1
Wisconsin.....	7	0	6
Wyoming.....	15	138	15
Total.....	1,149	2,325	184
Puerto Rico.....	6	6	-----
Guam.....	4	-----	-----
Virgin Islands.....	1	-----	-----
Canal Zone.....	0	-----	-----

Translator operations have been financed in various ways. Primary broadcast stations have constructed translators to expand the coverage of their signals. In some instances, appliance dealers, hoping to create a market for television sets, sponsored or substantially contributed to the construction of translator stations. In most cases, however, the installations are cooperatively financed. Contributions are solicited throughout the community or memberships may be sold in a television or FM radio club in order to finance the facility. In this regard, several State legislatures have enacted laws to assist in financing television translator operation and maintenance.¹ Direct community support is usually needed because the vast majority of translators do not generate revenue from their operations.

Unattended FM translator operation

To assist in making translators economically viable, Congress in 1960 amended section 318 of the Communications Act of 1934 to enable the FCC to permit television translator stations to operate without a licensed operator.² So amended, section 318 precludes Commission waiver or modification of the operator requirement for “stations engaged in broadcasting (*other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations*) * * *” (Language of the 1960 amendment in *italic*.)

At the time this amendment was enacted, the only translator facilities in operation were those which rebroadcast the signals of television broadcasting stations. As a result of technological advancements over the past decade, FM radio translator stations have become feasible, and in 1970 the FCC modified its rules to authorize their construction and operation.³

In adopting the FM translator rules, the FCC stated:

Section 318 of the Communications Act requires that the operation of every broadcast station, with the specific exception of television broadcast stations engaged solely in rebroadcasting, be placed in charge of a licensed operator. The Commission cannot, of course, waive this statutory requirement, although we are now preparing a proposal for submission to Congress to amend the statute to allow a similar exception for FM translators. Until Congress changes the law, a licensed radio-telephone operator is required.⁴

S. 2847 would extend the exception for unattended television translator operation to FM translators. Technical developments now enable FM translators to operate free of interference to other radio services without a licensed operator on duty. The Committee believes that section 318 should reflect this advanced technology by exempting FM translators from the licensed operator requirement. In the Committee’s judgment, this action is necessary to make FM translator service economically viable in underserved and sparsely populated areas of the country. Given the existing exception for unattended television translator operation, the Committee perceives no reason for refusing to extend this exception to FM translators.

¹ E.g., Idaho Code, secs. 31-4101 through 31-4121 (1969); Montana Revised Code, (secs. 70-401 through 70-425 (1947); and Utah Code Annotated, sec. 11-2-2 (1953).

² Public Law 86-609, approved July 7, 1960, 74 Stat. 363; see S. Rep. No. 980, 86th Cong., 1st sess., to accompany S. 1886, Sept. 4 (legislative day, Aug. 31), 1959 (Committee on Interstate and Foreign Commerce).

³ FCC Docket No. 17159, 35 Fed. Reg. 15388, 20 R.R. 2d 1538 (Oct. 1970).

⁴ FCC Docket No. 17159, par. 12.

Limited local origination

The FCC has construed section 318 as limiting translators to re-broadcasting the signals of primary television and FM stations without any significant alteration of the characteristics of the incoming signals. In a 1968 rulemaking proceeding, the Commission interpreted section 318 to allow UHF translators to originate 20 seconds of commercial advertising per hour, limited to slide announcements,⁵ and in 1975 this permissible commercial origination was expanded to 30 seconds per hour.⁶ No program origination whatsoever has been allowed.

The FCC has stated that as a result of the above construction of section 318, translator stations are not self-supporting and must depend on public generosity to sustain their operations. The Commission has also noted that the prohibition on program origination in many instances deprives those people dependent on translator service of their only potential source of local programming, such as emergency alerts and coverage of local political and other news events. The FCC has therefore requested this legislation to allow the Commission to authorize limited amounts of local origination by translator stations. S. 2847 would accomplish this result by substituting the word "primarily" for "solely" in clause (3) of the first proviso of section 318.

In requesting this legislation, the FCC has suggested that specific limitations on the amount of local origination to be permitted could be best determined in a Commission rulemaking proceeding to implement the proposed section 318 amendments. The Commission has further stated that in deciding upon such limitations it would be bound by the section 318 requirement that origination be limited to the extent necessary to insure that translators retain their primary characteristic as rebroadcast stations.

The Committee believes that the public interest in the larger and more effective use of radio and television would be well-served by enabling the FCC to authorize translator stations to originate limited amounts of local program and commercial material. As noted, in many areas of the country translators provide the only access to satisfactory television and FM service. At present, however, such service consists solely of the programming of the distant station retransmitted by the translator. Allowing limited origination by translators would give their audiences access to local news and information of vital community interest, as well as enable translators to meet the difficult problems of financial support for their operation and service.

The Committee is of the view that specific limitations on the amount and nature of local origination to be allowed, as well as any attending technical or other requirements, should be determined by the Commission in a rulemaking proceeding to implement the legislation. Such a proceeding will afford all interested parties an opportunity to comment on the specific limitations to be imposed.

While the Committee would leave detailed implementation of this legislation to the expertise and discretion of the administrative agency, it is emphasized that the allowed origination must be so limited as to maintain the primary rebroadcasting function of translator stations. In this regard, the FCC has previously conditioned the use of translators so as to permit them to perform their supplementary function

⁵ FCC Docket No. 15971, 13 FCC 2d 305 (1968).

⁶ FCC Docket No. 19661, 54 FCC 2d 421 (1975).

without impairing or burdening the maintenance and development of the regular television and radio services which provide the public with benefits beyond the capacity of translators. The FCC is also under an existing mandate to insure that translators operate on their assigned frequencies so as not to cause objectionable interference with other telecommunications services using the broadcast spectrum. The Committee expects that the FCC will continue to adhere to these principles in implementing this legislation.

HEARINGS

Hearings on S. 2847 were held before the Subcommittee on Communications on January 21, 1976. Testifying in support of the legislation were the Chairman of the Federal Communications Commission and counsel for the National Translator Association.

Subsequent to the hearings, statements were received from the National Cable Television Association, the Association of Maximum Service Telecasters, Inc., the National Association of Broadcasters, and Mr. Bill Sims, President of Wycom Corp., Laramie, Wyoming.

The Committee has fully considered all testimony and submissions in recommending enactment of the legislation here reported.

CONCLUSION

Translator broadcast stations have provided an invaluable service to those areas of the nation which would otherwise be without adequate access to radio and television reception.

The amendment to the Communications Act proposed by S. 2847 will enable translators to enhance this essential service consistent with their primary rebroadcasting function.

SECTION ANALYSIS

Section 318 is amended by deleting the word "solely" in clause (3) of the first proviso and inserting in lieu thereof "primarily", thereby enabling the FCC to authorize translator broadcast stations to originate limited amounts of local programming.

Section 318 is also amended by striking out the word "television" in clause (3) of the first proviso, thereby allowing the FCC to authorize unattended FM broadcast translator operation in the same manner presently permitted for television broadcast translators.

ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the Committee estimates that no additional costs will accrue to the government as a consequence of this legislation. The Committee is not aware of any cost estimate to the contrary.

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, as

reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

AMENDMENT OF SECTION 318 OF THE COMMUNICATIONS ACT OF 1934,
AS AMENDED (47 U.S.C. 318)

SEC. 318. The actual operation of all transmitting equipment 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 (other than those engaged **solely** *primarily* 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 the power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend section 318 of the Communications Act of 1934, as amended, to enable the Federal Communications Commission to authorize translator broadcast stations to originate limited amounts of local programing, and to authorize frequency modulation (FM) radio translator stations to operate unattended in the same manner as is now permitted for television broadcast translator stations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3) of the first proviso of section 318 of the Communications Act of 1934 (47 U.S.C. 318) is amended—

- (1) by striking out “solely” and inserting in lieu thereof “primarily”, and
- (2) by striking out “television”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

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June 22, 1976

Dear Mr. Director:

The following bills were received at the White House on June 22nd:

S.J. Res. 203
S. 391
S. 2847

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.