

**[STAFF DRAFT]**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R.** \_\_\_\_\_

To expedite the transition to digital television while helping consumers to continue to use their analog televisions.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

**A BILL**

To expedite the transition to digital television while helping consumers to continue to use their analog televisions.

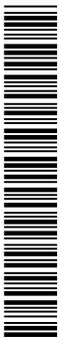
1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Television  
5 Transition Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:



1           (1) To facilitate the digital television transition,  
2 Congress temporarily gave each television broad-  
3 caster a second 6 megahertz channel of spectrum in  
4 1997 to begin transmitting programming in digital  
5 format while simultaneously transmitting program-  
6 ming in analog format on its original 6 megahertz  
7 channel.

8           (2) Under current law, each television broad-  
9 caster in a market must cease analog broadcasts by  
10 the later of December 31, 2006, or once more than  
11 85 percent of television households in that market  
12 have at least one television with access to digital  
13 broadcast channels using a digital television receiver,  
14 a digital-to-analog converter box, or a multichannel  
15 video programming distribution service.

16           (3) The 85-percent penetration test is delaying  
17 the digital television transition and the return of the  
18 spectrum. Determining whether the penetration test  
19 has been met in a market will also be extremely  
20 cumbersome for the Federal Communications Com-  
21 mission. The difficulty in predicting when a par-  
22 ticular market will meet the test also makes it ex-  
23 traordinarily hard for consumers, industry, and the  
24 Government to plan for the shut off of analog broad-  
25 casts. This will be especially burdensome for the ap-



1       proximately 15 percent of remaining consumers in a  
2       market who would not have access to digital broad-  
3       cast channels, as they will need to know when to  
4       purchase a digital television receiver or a digital-to-  
5       analog converter box, or subscribe to a multichannel  
6       video programming distribution service if they wish  
7       to continue receiving broadcast programming.

8               (4) Eliminating the 85-percent penetration test  
9       and setting a “hard deadline” to end analog broad-  
10      casts will bring consumers and the economy the ben-  
11      efits of digital television faster, and enable all af-  
12      fected parties to plan. Concrete consumer education  
13      plans can be developed and manufacturers will also  
14      then be able to build large quantities of low-cost dig-  
15      ital-to-analog converter boxes for consumers who  
16      wish to continue using their analog televisions. Al-  
17      though consumers with analog televisions connected  
18      to converter boxes will not be able to display digital  
19      broadcasts in high-definition format, their pictures  
20      will be clearer and sharper than before the digital  
21      transition.

22              (5) Allowing multichannel video programming  
23      distributors to convert digital broadcasts to analog  
24      format will allow subscribers to continue viewing  
25      broadcast programming on analog televisions while



1 enabling subscribers with high-definition televisions  
2 to continue watching programming in high-definition  
3 format.

4 (6) Setting a hard deadline will also improve  
5 national security and public safety by clearing spec-  
6 trum that has already been earmarked for use by  
7 law enforcement and public safety officials once  
8 broadcasters cease transmitting in analog format.

9 (7) Some of the spectrum currently in use for  
10 analog television—which propagates well through  
11 walls and foliage, and travels great distances at rel-  
12 atively low power levels—is ideal for providing wire-  
13 less broadband services in rural, as well as urban,  
14 areas.

15 **SEC. 3. ANALOG SPECTRUM RECOVERY: HARD DEADLINE.**

16 (a) AMENDMENTS.—Section 309(j)(14) of the Com-  
17 munications Act of 1934 (47 U.S.C. 309(j)(14)) is  
18 amended—

19 (1) in subparagraph (A), by striking “December  
20 31, 2006” and inserting “December 31, 2008”;

21 (2) by striking subparagraph (B);

22 (3) in subparagraph (C)(i)(I), by striking “or  
23 (B)”;

24 (4) by redesignating subparagraphs (C) and  
25 (D) as subparagraphs (B) and (C), respectively.



1 (b) IMPLEMENTATION.—

2 (1) FINAL DTV ALLOTMENT TABLE OF IN-CORE  
3 CHANNELS FOR FULL-POWER STATIONS.—The Fed-  
4 eral Communications Commission shall—

5 (A) release by December 31, 2006, a re-  
6 port and order in MB Docket No. 03–15 as-  
7 signing all full-power broadcast television sta-  
8 tions authorized in the digital television service  
9 a final channel between channels 2 and 36, in-  
10 clusive, or 38 and 51, inclusive (between fre-  
11 quencies 54 and 698 megahertz, inclusive); and

12 (B) conclude by July 31, 2007, any recon-  
13 sideration of such report and order.

14 (2) STATUS REPORTS.—Beginning February 1,  
15 2006, and ending when international coordination  
16 with Canada and Mexico of the DTV table of allot-  
17 ments is complete, the Commission shall submit re-  
18 ports every six months on the status of that inter-  
19 national coordination to the Committee on Energy  
20 and Commerce of the House of Representatives and  
21 the Committee on Commerce, Science, and Trans-  
22 portation of the Senate.

23 (3) TERMINATIONS OF ANALOG LICENSES AND  
24 BROADCASTING.—The Federal Communications  
25 Commission shall take such actions as may be nec-



1        essary to terminate all licenses for full-power broad-  
 2        casting stations in the analog television service and  
 3        to require the cessation of broadcasting by full-  
 4        power stations in the analog television service by  
 5        January 1, 2009.

6        **SEC. 4. AUCTION OF RECOVERED SPECTRUM.**

7        (a)        DEADLINE        FOR        AUCTION.—Section  
 8        309(j)(15)(C) of such Act is amended by adding at the  
 9        end the following new clauses:

10                    “(v) ADDITIONAL DEADLINES FOR RE-  
 11                    COVERED ANALOG SPECTRUM.—Notwith-  
 12                    standing subparagraph (B), the Commis-  
 13                    sion shall conduct the auction of the li-  
 14                    censes for recovered analog spectrum com-  
 15                    mencing April 1, 2008, and shall deposit  
 16                    the proceeds of such auction in accordance  
 17                    with paragraph (8) not later than June 30,  
 18                    2008.

19                    “(vi) RECOVERED ANALOG SPEC-  
 20                    TRUM.—For purposes of clause (v), the  
 21                    term ‘recovered analog spectrum’ means  
 22                    the spectrum reclaimed from analog tele-  
 23                    vision service broadcasting under para-  
 24                    graph (14), other than—



1                   “(I) the spectrum required by  
2                   section 337 to be made available for  
3                   public safety services; and

4                   “(II) the spectrum auctioned  
5                   prior to the date of enactment of the  
6                   Digital Television Transition Act of  
7                   2005.”.

8           (b) EXTENSION OF AUCTION AUTHORITY.—Para-  
9 graph (11) of section 309(j) of such Act is repealed.

10 **SEC. 5. CONSUMER EDUCATION REGARDING ANALOG TELE-**  
11 **VISIONS.**

12           (a) COMMISSION AUTHORITY.—Section 303 of the  
13 Communications Act of 1934 (47 U.S.C. 303) is amended  
14 by adding at the end the following new subsection:

15           “(z) Require the consumer education measures speci-  
16 fied in section 330(d) in the case of apparatus designed  
17 to receive television signals that—

18                   “(1) are shipped in interstate commerce or  
19                   manufactured in the United States after 45 days  
20                   after the date of enactment of the Digital Television  
21                   Transition Act of 2005; and

22                   “(2) are not capable of receiving and displaying  
23                   broadcast signals in the digital television service on  
24                   the channels allocated to such broadcasts.”.



1 (b) CONSUMER EDUCATION REQUIREMENTS.—Sec-  
2 tion 330 of the Communications Act of 1934 (47 U.S.C.  
3 330) is amended—

4 (1) in subsection (d), by striking “sections  
5 303(s), 303(u), and 303(x)” and inserting “sub-  
6 sections (s), (u), (x), and (z) of section 303”;

7 (2) by redesignating subsection (d) as sub-  
8 section (e); and

9 (3) by inserting after subsection (c) the fol-  
10 lowing new subsection:

11 “(d) CONSUMER EDUCATION REGARDING ANALOG  
12 TELEVISION RECEIVERS.—

13 “(1) REQUIREMENTS FOR MANUFACTURERS.—  
14 Any manufacturer of any apparatus described in  
15 section 303(z) shall—

16 “(A) place on the screen of any such appa-  
17 ratus that such manufacturer ships in inter-  
18 state commerce or manufactures in the United  
19 States after 45 days after the date of enact-  
20 ment of the Digital Television Transition Act of  
21 2005, a removable label containing the warning  
22 language required by paragraph (3); and

23 “(B) also include such warning language  
24 on the outside of the retail packaging of such  
25 apparatus in a manner that cannot be removed.



1           “(2) REQUIREMENTS FOR RETAIL DISTRIBUTU-  
2           TORS.—Any retail distributor shall place adjacent to  
3           each apparatus described in section 303(z) that such  
4           distributor displays for sale or rent after 45 days  
5           after the date of enactment of the Digital Television  
6           Transition Act of 2005, a separate sign containing  
7           the warning language required by paragraph (3).

8           “(3) WARNING LANGUAGE.—The warning lan-  
9           guage required by this paragraph shall read as fol-  
10          lows: ‘After December 31, 2008, television broad-  
11          casters will cease analog over-the-air broadcasts and  
12          will broadcast only in digital format. This television  
13          will then no longer be able to receive broadcast pro-  
14          gramming unless it is connected to a digital tuner,  
15          a digital-to-analog converter box, or cable, satellite,  
16          or other multichannel video services. Beyond Decem-  
17          ber 31, 2008, this television will, however, continue  
18          to display images from devices such as DVD players  
19          and video game consoles or content recorded for dis-  
20          play on an analog television using devices such as  
21          VCRs, digital video recorders, or DVD recorders.  
22          For more information, call the Federal Communica-  
23          tions Commission at 1–888–225–5322 (TTY: 1–  
24          888–835–5322) or visit the Commission’s website  
25          at: [www.fcc.gov](http://www.fcc.gov).’



1           “(4) COMMISSION OUTREACH.—Beginning with-  
2           in one month after the date of enactment of the Dig-  
3           ital Television Transition Act of 2005, the Commis-  
4           sion shall engage in a public outreach program to  
5           educate consumers about—

6                   “(A) the deadline for termination of analog  
7           television broadcasting; and

8                   “(B) the options consumers have after  
9           such termination to continue to receive broad-  
10          cast programming.

11          “(5) ADDITIONAL DISCLOSURES.—

12                   “(A) ANNOUNCEMENTS AND NOTICES RE-  
13          QUIRED.—From July 1 to December 31,  
14          2008—

15                   “(i) each television broadcaster shall  
16          air, at a minimum, two 60-second public  
17          service announcements, one during the 8-  
18          9 a.m. hour and one during the 8-9 p.m.  
19          hour; and

20                   “(ii) each multichannel video program  
21          distributor (as such term is defined in sec-  
22          tion 602 of this Act) shall include a notice  
23          in any periodic bill.

24                   “(B) CONTENTS OF ANNOUNCEMENTS AND  
25          NOTICES.—The announcements and notices re-



1 required by subparagraphs (A)(i) and (A)(ii), re-  
2 spectively, shall state, at a minimum, that:  
3 ‘After December 31, 2008, television broad-  
4 casters will cease analog over-the-air broadcasts  
5 and will broadcast only in digital format. Con-  
6 sumers will then no longer be able to receive  
7 broadcast programming on analog televisions  
8 unless those televisions are connected to a dig-  
9 ital tuner, a digital-to-analog converter box, or  
10 cable, satellite, or other multichannel video  
11 services. Analog-only televisions will continue to  
12 be able to display images from devices such as  
13 DVD players and video game consoles or con-  
14 tent recorded for display on an analog-only tele-  
15 vision using devices such as VCRs, digital video  
16 recorders, or DVD recorders. For more infor-  
17 mation, call the Federal Communications Com-  
18 mission at 1-888-225-5322 (TTY: 1-888-  
19 835-5322) or visit the Commission’s website at:  
20 [www.fcc.gov](http://www.fcc.gov).’”.

21 (c) PRESERVING AND EXPEDITING TUNER MAN-  
22 DATES.—The Federal Communications Commission  
23 shall—

24 (1) within 30 days after the date of enactment  
25 of this Act revise the digital television reception ca-



1 pability implementation schedule under section  
2 15.117(i) of its regulations (47 CFR 15.117(i)) to  
3 require, in the case of television sets with integrated  
4 tuners with screen sizes 13 to 24 inches, that 100  
5 percent of all such units must include digital tele-  
6 vision tuners effective July 1, 2006; and

7 (2) not otherwise revise, on petition or on its  
8 own motion, such digital television reception capa-  
9 bility implementation schedule.

10 **SEC. 6. ADDITIONAL PROVISIONS.**

11 (a) **DIGITAL-TO-ANALOG CONVERSION.**—Section  
12 614(b) of the Communications Act of 1934 (47 U.S.C.  
13 534(b)) is amended by adding at the end the following  
14 new paragraph:

15 “(11) **PERMITTED CONVERSIONS.**—

16 “(A) **DIGITAL TO ANALOG CONVERSIONS**  
17 **PERMITTED.**—The conversion by a cable oper-  
18 ator, at any location from the cable headend  
19 through equipment on the customer’s premises  
20 (inclusive), of a digital television signal into a  
21 signal capable of being viewed by a subscriber  
22 with an analog television receiver shall, subject  
23 to subparagraphs (B) and (C), be permitted  
24 under this section and section 615.



1           “(B) CONDITIONS ON PERMITTED CONVER-  
2           SIONS.—A conversion that otherwise meets the  
3           requirements of subparagraph (A) shall not  
4           qualify for being permitted under such subpara-  
5           graph unless—

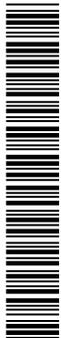
6                   “(i) the cable operator continues to  
7                   provide, along with such converted signal,  
8                   the primary video in the originally broad-  
9                   cast format without material degradation;  
10                  and

11                   “(ii) if the cable operator provides any  
12                   such converted signal for any station in a  
13                   local market that—

14                           “(I) is carried pursuant to sec-  
15                           tion 614 or 615, and

16                           “(II) has ceased to broadcast in  
17                           the analog television service,  
18                   the cable operator provides such a con-  
19                   verted signal for each such station that is  
20                   located within the same local market.

21           “(C) SUNSET OF CARRY-ONE-CARRY-ALL  
22           REQUIREMENT.—After December 31, 2013, the  
23           Commission may cease to impose on a cable op-  
24           erator the condition required under subpara-  
25           graph (B)(ii) if the Commission determines that



1           the condition is not necessary, taking into con-  
2           sideration the penetration of digital televisions,  
3           digital receivers, and digital-to-analog converter  
4           boxes among the subscribers of that operator.”.

5           (b) TIERING.—Section 623(b)(7)(A)(iii) of such Act  
6 (47 U.S.C. 543(b)(7)(A)(iii)) is amended—

7           (1) by striking “signal of” and inserting “signal  
8           that is broadcast, in either a digital or analog tele-  
9           vision format, by”; and

10          (2) by inserting “, in either a digital or analog  
11          television format,” after “that is provided”.

12          (c) CONFORMING AMENDMENT; REGULATIONS.—

13          (1) AMENDMENT.—Section 338(j) of the Com-  
14          munications Act of 1934 (47 U.S.C. 338(j)) is  
15          amended by striking “614(b)(3) and (4)” and in-  
16          serting “614(b)(3), (4), and (11)”.

17          (2) DEADLINE.—The Federal Communications  
18          Commission shall revise the regulations required by  
19          such section 338(j) to reflect the amendment made  
20          by paragraph (1) of this subsection within 180 after  
21          the date of enactment of this Act.

