

104TH CONGRESS
1ST SESSION

S. 1241

The Public Broadcasting Financial Independence and Family Viewing Act
of 1995.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14 (legislative day, SEPTEMBER 5), 1995

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

A BILL

The Public Broadcasting Financial Independence and Family
Viewing Act of 1995.

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 referred to as the “Public Broad-
5 casting Financial Independence and Family Viewing Act
6 of 1995”.

7 **SEC. 2. FAMILY VIEWING.**

8 Section 396(g)(1)(A) of title 47 is amended by insert-
9 ing between the words “which” and “are” the following

1 new language “are suitable for family viewing throughout
2 the broadcast day and which”.

3 **SEC. 3. USE OF FEDERAL FUNDS.**

4 A new section 396(k)(1)(F) to title 47 is added as
5 follows:

6 “(F) No Federal funds shall be used to
7 broadcast any program which is indecent or to
8 broadcast any dramatic program which includes
9 nudity.”.

10 **SEC. 4. PUBLIC INTEREST.**

11 Section 396(a) of title 47 is amended by adding the
12 following new subsection:

13 “(11) It is in the public interest what public
14 broadcasting provide educational, cultural, informa-
15 tional and entertaining programming which is suit-
16 able for family viewing.”.

17 **SEC. 5. SPECTRUM FLEXIBILITY.**

18 The Commission shall adopt regulations which would
19 allow public broadcast license holders to make use of their
20 broadcast spectrum for the transmission of ancillary and
21 supplementary services, so long as the licensees provide
22 without charge at least one schedule of public broadcast
23 programming. In permitting such use, the Commission
24 shall assure thorough regulation or license terms that—

1 (1) the proceeds, if any from such ancillary and
2 supplementary use go to the exclusive benefit of pub-
3 lic broadcasting;

4 (2) public broadcast licensees do not lessen
5 their existing commitment or level of effort to public
6 broadcasting; and

7 (3) to the extent such spectrum is used for a
8 purpose other than public broadcasting, fees charged
9 for such use shall be at market rates.

10 **SEC. 6. SCHEDULE FLEXIBILITY.**

11 The Commission shall adopt regulations which would
12 allow public broadcast license holders to utilize their
13 broadcast schedule between the hours of 1 a.m. and 6 a.m.
14 to provide on a leased basis non-public broadcast program-
15 ming for a fee or for public broadcast license holders to
16 provide commercially sponsored programming provided
17 that—

18 (1) the proceeds from such use go to the exclu-
19 sive benefit of public broadcasting;

20 (2) public broadcast licensees do not lessen
21 their existing commitment or level of effort to public
22 broadcasting; and

23 (3) to the extent such use is for a purpose other
24 than public broadcasting, fees charged for such use
25 shall be at market rates.

1 **SEC. 7. ENHANCED UNDERWRITING.**

2 (a) Section 399(a) of title 47 is amended—

3 (1) by striking the word “exclusive” in sub-
4 section (a); and

5 (2) by inserting before the period: “through a
6 call to action, an inducement to buy, sell, rent, or
7 lease, or the provision of price information”.

8 (b) Section 399B(a) of title 47 is amended—

9 (1) by inserting: “through a call to action in-
10 ducement to buy, sell, rent, or lease or the provision
11 of price information” after the word “promote.”;
12 and

13 (2) by inserting: “when such offering is other
14 than an educational or cultural event sponsored in
15 part by a qualified public broadcasting station, or
16 producer or distributor of programming for public
17 broadcast stations” after the word “profit”.

18 **SEC. 8. SATELLITE, COMMON CARRIER AND OTHER FORMS**
19 **OF PROGRAM DISTRIBUTION.**

20 Public Broadcasting programming may be distributed
21 to viewers by means of satellite, common carrier, or other
22 form of telecommunications technology for a fee provided
23 that the proceeds from such distribution go to the exclu-
24 sive benefit of public broadcasting.

1 **SEC. 9. FREQUENCY EXCHANGE.**

2 The Commission may approve an exchange of fre-
3 quencies between a public broadcaster and a commercial
4 broadcaster, when the proceeds from such exchange are
5 dedicated to the benefit of the national public broadcasting
6 system.

7 **SEC. 10. ANCILLARY INCOME.**

8 The Board of Directors of the Corporation for Public
9 Broadcasting, and the Public Broadcasting System shall
10 ensure that to the greatest extent possible agreements for
11 programming include a provision to assure that public
12 broadcasting share in benefits from the sale of any ancil-
13 lary products, books, recordings, toys, character licencing
14 or other products related to the broadcast of such pro-
15 gramming.

16 **SEC. 11. GAO REVIEW.**

17 The General Accounting Office shall conduct a review
18 of the operations of the Corporation of Public Broadcast-
19 ing, the Public Broadcasting System, Public Broadcasters
20 and their program and other contractors. These entities
21 shall make their records and accounts available to the
22 General Accounting Office for review. The General Ac-
23 counting Office shall protect proprietary information.
24 Within one year of the date of enactment of this Act, the
25 General Accounting Office shall report to the Congress its

1 recommendations for improving the efficiency, and self-
2 sufficiency of public broadcasting.

3 **SEC. 12. FEASIBILITY OF MERGER WITH INTERNATIONAL**
4 **BROADCASTING.**

5 The General Accounting Office shall conduct a fea-
6 sibility study of merging or coordinating public broadcast-
7 ing operations and facilities or portions of operations and
8 facilities with the international broadcasting operations of
9 the United States Government.

10 **SEC. 13. EDUCATIONAL RATES.**

11 Public broadcast licensees shall qualify for interstate
12 and intrastate educational telecommunications service
13 rates to the extent such rates are available and to the ex-
14 tent such telecommunications services are used for the
15 purpose of providing public broadcasting.

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