

106TH CONGRESS
1ST SESSION

H. R. 3431

To reduce restrictions on broadcast ownership and to improve diversity of
broadcast ownership.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. ENGEL (for himself, Mr. RUSH, and Ms. JACKSON-LEE of Texas) intro-
duced the following bill; which was referred to the Committee on Com-
merce

A BILL

To reduce restrictions on broadcast ownership and to improve
diversity of broadcast ownership.

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 “Free Television Viabil-
5 ity Act of 1999”.

6 **SEC. 2. IMMEDIATE INCREASE IN NATIONAL AUDIENCE**
7 **REACH LIMITS ON BROADCAST OWNERSHIP.**

8 The Federal Communications Commission shall mod-
9 ify its rules for multiple ownership set forth in section
10 73.3555 of its regulations (47 C.F.R. 73.3555) by increas-

1 ing the national audience reach limitation for television
2 stations to 40 percent.

3 **SEC. 3. ADDITIONAL AUDIENCE REACH INCREASES CON-**
4 **TINGENT ON INCREASED DIVERSITY.**

5 (a) IN GENERAL.—In connection with an application
6 for the assignment or transfer of a television broadcast
7 station license, the Federal Communications
8 Commission—

9 (1) shall increase the national audience reach
10 limitation established pursuant to section 2 by an
11 additional 5 percent, if the Commission determines,
12 on the date of the filing of such application, that
13 there is in effect a private or governmental program
14 that has had the effect of increasing ownership of
15 television broadcast stations by members of minority
16 groups; and

17 (2) may further increase such limitation by an
18 additional 5 percent in connection with such applica-
19 tion, unless the Commission determines that a direct
20 correlation exists between lack of ownership of tele-
21 vision broadcast stations by members of minority
22 groups and increasing the limitation under para-
23 graph (1).

24 (b) REGULATIONS.—The Commission shall prescribe
25 such regulations (or amendments to its regulations) as

1 may be necessary to carry out this section within 180 days
2 after the date of enactment of this Act.

3 (e) DEFINITION.—As used in this section, the term
4 “member of a minority group” means an individual who
5 belongs to one or more of the following ethnic groups:
6 American Indians and Alaskan Natives; Asian and Pacific
7 Islanders; Blacks not of Hispanic origin; and Hispanics.

8 **SEC. 4. EVALUATION OF PROGRAM.**

9 Within 180 days after any two or more television
10 broadcast station owners have reached the national audi-
11 ence reach limitation established under section 3(a), the
12 Federal Communications Commission shall conduct a
13 study of the impact of raising such limitation on the entry
14 of small businesses and members of minority groups into
15 television broadcasting. The Commission shall submit a
16 report on such study to the Committee on Commerce of
17 the House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate not later
19 than the expiration of such 180-day period.

20 **SEC. 5. PRIORITY FOR NON-ENGLISH BROADCASTING STA-**
21 **TIONS.**

22 In making any assignments of licenses for the use
23 of spectrum that is returned to the Federal Communica-
24 tions Commission for allocation and assignment under sec-
25 tion 336(c) of the Communications Act of 1934 (47

1 U.S.C. 336(c)), the Commission shall give priority to ap-
2 plicants whose applications undertake a commitment to
3 broadcast in a language other than English or which rep-
4 resent traditionally underserved communities.

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