

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3439

---

IN THE SENATE OF THE UNITED STATES

MAY 2, 2000

Received

MAY 16, 2000

Read twice and referred to the Committee on Commerce, Science, and  
Transportation

---

## AN ACT

To require the Federal Communications Commission to revise  
its regulations authorizing the operation of new, low-  
power FM radio stations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Radio Broadcasting  
3 Preservation Act of 2000”.

4 **SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS**  
5 **REQUIRED.**

6 (a) **THIRD-ADJACENT CHANNEL PROTECTIONS RE-**  
7 **QUIRED.—**

8 (1) **MODIFICATIONS REQUIRED.—**The Federal  
9 Communications Commission shall modify the rules  
10 authorizing the operation of low-power FM radio  
11 stations, as proposed in MM Docket No. 99–25,  
12 to—

13 (A) prescribe minimum distance separa-  
14 tions for third-adjacent channels (as well as for  
15 co-channels and first- and second-adjacent  
16 channels); and

17 (B) prohibit any applicant from obtaining  
18 a low-power FM license if the applicant has en-  
19 gaged in any manner in the unlicensed oper-  
20 ation of any station in violation of section 301  
21 of the Communications Act of 1934 (47 U.S.C.  
22 301).

23 (2) **CONGRESSIONAL AUTHORITY REQUIRED**  
24 **FOR FURTHER CHANGES.—**The Federal Communica-  
25 tions Commission may not—

1 (A) eliminate or reduce the minimum dis-  
2 tance separations for third-adjacent channels  
3 required by paragraph (1)(A); or

4 (B) extend the eligibility for application for  
5 low-power FM stations beyond the organiza-  
6 tions and entities as proposed in MM Docket  
7 No. 99–25 (47 CFR 73.853),

8 except as expressly authorized by Act of Congress  
9 enacted after the date of the enactment of this Act.

10 (3) VALIDITY OF PRIOR ACTIONS.—Any license  
11 that was issued by the Commission to a low-power  
12 FM station prior to the date on which the Commis-  
13 sion modify its rules as required by paragraph (1)  
14 and that does not comply with such modifications  
15 shall be invalid.

16 (b) FURTHER EVALUATION OF NEED FOR THIRD-  
17 ADJACENT CHANNEL PROTECTIONS.—

18 (1) PILOT PROGRAM REQUIRED.—The Federal  
19 Communications Commission shall conduct an exper-  
20 imental program to test whether low-power FM  
21 radio stations will result in harmful interference to  
22 existing FM radio stations if such stations are not  
23 subject to the minimum distance separations for  
24 third-adjacent channels required by subsection (a).  
25 The Commission shall conduct such test in no more

1 than nine FM radio markets, including urban, sub-  
2 urban, and rural markets, by waiving the minimum  
3 distance separations for third-adjacent channels for  
4 the stations that are the subject of the experimental  
5 program. At least one of the stations shall be se-  
6 lected for the purpose of evaluating whether min-  
7 imum distance separations for third-adjacent chan-  
8 nels are needed for FM translator stations. The  
9 Commission may, consistent with the public interest,  
10 continue after the conclusion of the experimental  
11 program to waive the minimum distance separations  
12 for third-adjacent channels for the stations that are  
13 the subject of the experimental program.

14 (2) CONDUCT OF TESTING.—The Commission  
15 shall select an independent testing entity to conduct  
16 field tests in the markets of the stations in the ex-  
17 perimental program under paragraph (1). Such field  
18 tests shall include—

19 (A) an opportunity for the public to com-  
20 ment on interference; and

21 (B) independent audience listening tests to  
22 determine what is objectionable and harmful in-  
23 terference to the average radio listener.

24 (3) REPORT TO CONGRESS.—The Commission  
25 shall publish the results of the experimental program

1 and field tests and afford an opportunity for the  
2 public to comment on such results. The Federal  
3 Communications Commission shall submit a report  
4 on the experimental program and field tests to the  
5 Committee on Commerce of the House of Represent-  
6 atives and the Committee on Commerce, Science,  
7 and Transportation of the Senate not later than  
8 February 1, 2001. Such report shall include—

9 (A) an analysis of the experimental pro-  
10 gram and field tests and of the public comment  
11 received by the Commission;

12 (B) an evaluation of the impact of the  
13 modification or elimination of minimum dis-  
14 tance separations for third-adjacent channels  
15 on—

16 (i) listening audiences;

17 (ii) incumbent FM radio broadcasters  
18 in general, and on minority and small mar-  
19 ket broadcasters in particular, including an  
20 analysis of the economic impact on such  
21 broadcasters;

22 (iii) the transition to digital radio for  
23 terrestrial radio broadcasters;

24 (iv) stations that provide a reading  
25 service for the blind to the public; and

- 1 (v) FM radio translator stations;
- 2 (C) the Commission's recommendations to
- 3 the Congress to reduce or eliminate the min-
- 4 imum distance separations for third-adjacent
- 5 channels required by subsection (a); and
- 6 (D) such other information and rec-
- 7 ommendations as the Commission considers ap-
- 8 propriate.

Passed the House of Representatives April 13, 2000.

Attest: JEFF TRANDAHL,  
*Clerk.*

By MARTHA C. MORRISON,  
*Deputy Clerk.*