

106TH CONGRESS  
2D SESSION

# H. R. 4201

To amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2000

Mr. PICKERING (for himself, Mr. OXLEY, Mr. TAUZIN, Mr. LARGENT, and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

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 “Noncommercial Broad-  
5 casting Freedom of Expression Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In the additional guidance contained in the  
9 Federal Communication Commission’s memorandum

1 opinion and order in WQED Pittsburgh (FCC 99–  
2 393), adopted December 15, 1999, and released De-  
3 cember 29, 1999, the Commission attempted to im-  
4 pose content-based programming requirements on  
5 noncommercial educational television broadcasters  
6 without the benefit of notice and comment in a rule-  
7 making proceeding.

8 (2) In doing so, the Commission did not ade-  
9 quately consider the implications of its proposed  
10 guidelines on the rights of such broadcasters under  
11 First Amendment and the Religious Freedom Res-  
12 toration Act.

13 (3) Noncommercial educational broadcasters  
14 should be responsible for using the station to pri-  
15 marily serve an educational, instructional, or cul-  
16 tural purpose in its community of license, and for  
17 making judgments about the types of programming  
18 that serve those purposes.

19 (4) The Commission should not engage in regu-  
20 lating the content of speech broadcast by non-  
21 commercial educational stations.

1 **SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NON-**  
2 **COMMERCIAL EDUCATIONAL OR PUBLIC**  
3 **BROADCAST STATIONS.**

4 Section 309 of the Communications Act of 1934 (47  
5 U.S.C. 309) is amended by adding at the end the following  
6 new subsection:

7 “(m) SERVICE CONDITIONS ON NONCOMMERCIAL  
8 EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

9 “(1) IN GENERAL.—A nonprofit organization or  
10 entity shall be eligible to hold a noncommercial edu-  
11 cational radio or television license if the station is  
12 used primarily to broadcast material that the organi-  
13 zation or entity determines serves an educational, in-  
14 structional, or cultural purpose (or any combination  
15 of such purposes) in the station’s community of li-  
16 cense, unless that determination is arbitrary or un-  
17 reasonable.

18 “(2) ADDITIONAL CONTENT-BASED REQUIRE-  
19 MENTS PROHIBITED.—The Commission shall not—

20 “(A) impose or enforce any quantitative re-  
21 quirement on noncommercial educational radio  
22 or television licenses based on the number of  
23 hours of programming that serve educational,  
24 instructional, or cultural purposes;

25 “(B) prevent religious programming, in-  
26 cluding religious services, from being deter-

1           mined by an organization or entity to serve an  
2           educational, instructional, or cultural purpose;  
3           or

4                   “(C) impose or enforce any other require-  
5           ment on the content of the programming broad-  
6           cast by a licensee, permittee, or applicant for a  
7           noncommercial educational radio or television li-  
8           cense that is not imposed and enforced on a li-  
9           censee, permittee, or applicant for a commercial  
10          radio or television license, respectively.”.

11 **SEC. 4. RULEMAKING.**

12          (a) **LIMITATION.**—After the date of enactment of this  
13 Act, the Federal Communications Commission shall not  
14 establish, expand, or otherwise modify requirements relat-  
15 ing to the service obligations of noncommercial educational  
16 radio or television stations except by means of agency rule-  
17 making conducted in accordance with chapter 5 of title  
18 5, United States Code, and other applicable law (including  
19 the amendment made by section 3).

20          (b) **RULEMAKING DEADLINE.**—The Federal Commu-  
21 nications Commission shall prescribe such revisions to its  
22 regulations as may be necessary to comply with the  
23 amendment made by section 3 within 270 days after the  
24 date of enactment of this Act.

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