

108TH CONGRESS
2D SESSION

S. 2505

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2004

Mr. MCCAIN (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

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. FINDINGS.**

4 Congress makes the following findings:

5 (1) The passage of the Telecommunications Act
6 of 1996 led to increased ownership consolidation in
7 the radio industry.

8 (2) At a hearing before the Senate Committee
9 on Commerce, Science, and Transportation, on June

1 4, 2003, all 5 members of the Federal Communica-
2 tions Commission testified that there has been, in at
3 least some local radio markets, too much consolida-
4 tion.

5 (3) A commitment to localism—local oper-
6 ations, local research, local management, locally-
7 originated programming, local artists, and local news
8 and events—would bolster radio listening.

9 (4) Local communities have sought to launch
10 radio stations to meet their local needs. However,
11 due to the scarce amount of spectrum available and
12 the high cost of buying and running a large station,
13 many local communities are unable to establish a
14 radio station.

15 (5) In 2003, the average cost to acquire a com-
16 mercial radio station was more than \$2.5 million
17 dollars.

18 (6) In January, 2000, the Federal Communica-
19 tions Commission authorized a new, affordable com-
20 munity radio service called “low power FM” or
21 “LPFM” to “enhance locally focused community-ori-
22 ented radio broadcasting”.

23 (7) Through the creation of LPFM, the Com-
24 mission sought to “create opportunities for new
25 voices on the air waves and to allow local groups, in-

1 including schools, churches and other community-
2 based organizations, to provide programming respon-
3 sive to local community needs and interests”.

4 (8) The Commission made clear that the cre-
5 ation of LPFM would not compromise the integrity
6 of the FM radio band by stating, “We are com-
7 mitted to creating a low power FM radio service
8 only if it does not cause unacceptable interference to
9 existing radio service.”.

10 (9) Small rural broadcasters were particularly
11 concerned about a lengthy and costly interference
12 complaint process. Therefore, in September, 2000,
13 the Commission created a simple process to address
14 interference complaints regarding LPFM stations on
15 an expedited basis.

16 (10) In December, 2000, Congress delayed the
17 full implementation of LPFM until an independent
18 engineering study was completed and reviewed. This
19 delay was due to some broadcasters’ concerns that
20 LPFM service would cause interference in the FM
21 band.

22 (11) The delay prevented millions of Americans
23 from having a locally operated, community based
24 radio station in their neighborhood.

1 (12) Approximately 300 LPFM stations were
2 allowed to proceed despite the congressional action.
3 These stations are currently on the air and are run
4 by local government agencies, groups promoting arts
5 and education to immigrant and indigenous peoples,
6 artists, schools, religious organizations, environ-
7 mental groups, organizations promoting literacy, and
8 many other civically-oriented organizations.

9 (13) After 2 years and the expenditure of
10 \$2,193,343 in taxpayer dollars to conduct this
11 study, the broadcasters' concerns were demonstrated
12 to be unsubstantiated.

13 **SEC. 2. REPEAL OF PRIOR LAW.**

14 Section 632 of the Departments of Commerce, Jus-
15 tice, and State, the Judiciary, and Related Agencies Ap-
16 propriations Act, 2001 (Public Law 106-553; 114 Stat.
17 2762A–111), is repealed.

18 **SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.**

19 The Federal Communications Commission shall mod-
20 ify its rules to eliminate third-adjacent minimum distance
21 separation requirements between—

22 (1) low-power FM stations; and

23 (2) full-service FM stations, FM translator sta-
24 tions, and FM booster stations.

1 SEC. 4. PROTECTION OF RADIO READING SERVICES.

2 The Federal Communications Commission shall re-
3 tain its rules that provide third-adjacent channel protec-
4 tion for full-power non-commercial FM stations that
5 broadcast radio reading services via a subcarrier frequency
6 from potential low-power FM station interference.

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