

106TH CONGRESS
2D SESSION

S. 2215

To clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2000

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

A BILL

To clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934.

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 Eligibility Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Federal Communications Commission
9 has attempted to provide guidelines for educational

1 religious programming for noncommercial edu-
2 cational television stations.

3 (2) Any action defining acceptable religious
4 educational speech violates the provisions of the first
5 amendment to the Constitution of the United States
6 regarding freedom of speech, free exercise of reli-
7 gion, and the establishment of religion.

8 (3) Broadcasters should be free to engage in
9 any type of religious speech without fear of adverse
10 governmental action.

11 (4) The Federal Communications Commission
12 should not engage in the regulation of religious
13 speech on noncommercial educational television sta-
14 tions.

15 (5) A nonprofit corporation should be eligible to
16 operate a noncommercial educational television or
17 radio station if a majority of the programming of
18 the station is substantially related to any tax exempt
19 purpose under section 501(c)(3) of the Internal Rev-
20 enue Code of 1986.

21 **SEC. 3. CLARIFICATION OF TREATMENT OF NONPROFIT EN-**
22 **TITIES AS NONCOMMERCIAL EDUCATION OR**
23 **PUBLIC BROADCAST STATIONS.**

24 (a) IN GENERAL.—The Federal Communications
25 Commission shall treat a nonprofit private foundation,

1 corporation, or association as a noncommercial edu-
2 cational broadcast station or public broadcast station for
3 purposes of section 397(6) of the Communications Act of
4 1934 (47 U.S.C. 397(6)) if the majority of the radio or
5 television programming broadcast, or proposed to be
6 broadcast, by such foundation, corporation, or association
7 is substantially related to a tax-exempt purpose under sec-
8 tion 501(c)(3) of the Internal Revenue Code of 1986.

9 (b) DETERMINATION OF SUBSTANTIAL RELATION.—
10 In determining under subsection (a) whether the radio or
11 television programming broadcast, or proposed to be
12 broadcast, by a foundation, corporation, or association is
13 substantially related to a tax-exempt purpose of the foun-
14 dation, corporation, or association, the Federal Commu-
15 nications Commission shall use the standards used for
16 such determination by the Internal Revenue Service under
17 subsections (a) and (c) of section 513 of the Internal Rev-
18 enue Code of 1986.

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