

108TH CONGRESS
1ST SESSION

H. R. 2212

To require the Federal Communications Commission to comply with the Administrative Procedures Act and to adhere to the policies and purposes of Communications Act of 1934 favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. CONYERS (for himself, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. CASE, Ms. SLAUGHTER, Ms. LEE, Mr. FILNER, Ms. WATSON, Ms. SOLIS, Mr. MICHAUD, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mrs. JONES of Ohio, and Mr. WATT) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Federal Communications Commission to comply with the Administrative Procedures Act and to adhere to the policies and purposes of Communications Act of 1934 favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity, and for other purposes.

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 “Maintaining and En-
5 suring Diversity and Integrity on the Airwaves Act of
6 2003” or the “MEDIA Act of 2003”.

7 **SEC. 2. COMPLIANCE WITH THE ADMINISTRATIVE PROCE-**
8 **DURES ACT.**

9 Section 553 of title 5, United States Code, is amend-
10 ed by adding at the end the following new subsection:

11 “(e) Notwithstanding subsection (b)(3), an agency
12 may not prescribe substantial and extensive revisions to
13 its regulations unless such revised regulations have been
14 published in proposed form to afford interested persons
15 the opportunity under subsection (c) to submit data,
16 views, or arguments thereon.”.

17 **SEC. 3. EXTENSION OF INTERVAL FOR REVIEWS.**

18 (a) AMENDMENT.—Subsection (a) of section 11 of
19 the Communications Act of 1934 (47 U.S.C. 161(a)) is
20 amended—

21 (1) by striking “BIENNIAL” in the heading of
22 such subsection; and

23 (2) by striking “In every even-numbered year
24 (beginning with 1998),” and inserting “Once each 5
25 years (beginning with 2008),”.

1 (b) ELIMINATION OF SPECIAL TREATMENT OF
2 MEDIA RULES.—Section 202 of the Telecommunications
3 Act of 1996 (Public Law 104–104; 110 Stat. 111) is
4 amended by striking subsection (h).

5 **SEC. 4. COMPLIANCE WITH POLICIES AND PURPOSES OF**
6 **THE COMMUNICATIONS ACT OF 1934.**

7 Section 257 of the Communications Act of 1934 (47
8 U.S.C. 257) is amended by adding at the end the following
9 new subsection:

10 “(d) COMPLIANCE WITH POLICIES AND PUR-
11 POSES.—

12 “(1) COMPLETION OF REVIEW AND REPORT
13 PRIOR TO DEREGULATORY ACTIONS.—The Commis-
14 sion shall not take any action under section 11 of
15 this Act to repeal or modify any regulation the Com-
16 mission determines to be no longer necessary in the
17 public interest unless—

18 “(A) the Commission has completed the re-
19 port to Congress required by subsection (c) of
20 this section to be submitted during 2003;

21 “(B) the Commission has included in a re-
22 port to Congress under subsection (c) of this
23 section an analysis of how any change of the ex-
24 isting regulations (i) is consistent with the na-
25 tional policy as set forth in subsection (b), and

1 (ii) would affect the barriers to entry identified
2 under subsection (a) of this section; and

3 “(C) the Commission determines that such
4 repeal or modification is consistent with the re-
5 moval of such barriers and with the policies and
6 purposes set forth in subsection (b) of this sec-
7 tion.

8 “(2) PROHIBITION OF LICENSE TRANSFERS
9 PENDING COMPLETION OF REQUIREMENTS.—Unless
10 the Commission has complied with the requirements
11 of this section (including the requirements of para-
12 graph (1) of this subsection), the Commission shall
13 not approve any application, or group of interrelated
14 applications, for the transfer or assignment under
15 section 309 of any license licenses for a television or
16 radio broadcast station or stations to any party if—

17 “(A) such aggregate value of the trans-
18 action or transactions involving such station or
19 stations is in excess of \$50,000,000; and

20 “(B) such party or any of its principal
21 stockholders, partners, or members, officers, or
22 directors, directly or indirectly, owns, operates,
23 or controls another television or radio broadcast
24 station.”.

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