

109TH CONGRESS
1ST SESSION

S. 383

To shorten the term of broadcasting licenses under the Communications Act of 1934 from 8 to 3 years, to provide better public access to broadcasters' public interest issues and programs lists and children's programming reports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2005

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

A BILL

To shorten the term of broadcasting licenses under the Communications Act of 1934 from 8 to 3 years, to provide better public access to broadcasters' public interest issues and programs lists and children's programming reports, 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 “Localism in Broad-
5 casting Reform Act of 2005”.

1 **SEC. 2. 3-YEAR TERM FOR BROADCAST LICENSES.**

2 (a) IN GENERAL.—Section 307(c)(1) of the Commu-
 3 nications Act of 1934 (47 U.S.C. 307(c)(1)) is amended
 4 by striking “8” each place it appears and inserting “3”.

5 (b) EXISTING LICENSES.—The amendment made by
 6 subsection (a) shall apply to licenses granted or renewed
 7 after the date of enactment of this Act.

8 **SEC. 3. FULL COMMISSION REVIEW REQUIRED FOR 5 PER-**
 9 **CENT OF APPLICATIONS.**

10 Section 309(a) of the Communications Act of 1934
 11 (47 U.S.C. 309(a)) is amended by adding at the end the
 12 following: “The determination required by this subsection
 13 shall be made by the full Commission en banc in no fewer
 14 than 5 percent of the applications filed with it in each
 15 calendar year to which section 308 applies.”.

16 **SEC. 4. ISSUES AND PROGRAMS REPORTS; CHILDREN’S**
 17 **TELEVISION REPORTS.**

18 (a) IN GENERAL.—

19 (1) ELECTRONIC FILING.—The Commission
 20 shall amend its regulations to require every broad-
 21 caster to file, electronically, a copy of its public in-
 22 terest issues and programs list and its children’s
 23 programming reports with the Commission, in such
 24 form as the Commission may require, within 10 days
 25 after the end of each calendar quarter.

1 (2) WAIVER.—The Commission may waive or
2 defer compliance with the regulations promulgated
3 in paragraph (1) by a broadcaster in any specific in-
4 stance for good cause shown where such action
5 would be consistent with the public interest.

6 (b) LICENSEE WEBSITE REQUIREMENT.—The Com-
7 mission shall amend its regulations to require every broad-
8 cast station for which there is a publicly accessible website
9 on the Internet—

10 (1) to make its public interest issues and pro-
11 grams list and its children’s programming reports
12 available to the public on that website; or

13 (2) to provide a hyperlink on that website to
14 that information on the Commission’s website.

15 (c) COMMISSION WEBSITE REQUIREMENT.—The
16 Commission shall provide access to the public to the public
17 interest issues and programs lists and children’s program-
18 ming reports filed electronically by broadcasting stations
19 with the Commission.

20 (d) TIMEFRAME.—The Commission shall amend its
21 regulations to carry out the requirements of this section
22 not later than 180 days after the date of enactment of
23 this Act.

1 **SEC. 5. STANDARDS FOR BROADCAST STATION RENEWAL**
 2 **TO INCLUDE REVIEW OF LICENSEE'S OTHER**
 3 **STATIONS.**

4 Section 309(k)(1) of the Communications Act of
 5 1934 (47 U.S.C. 309(k)(1)) is amended—

6 (1) by striking “with respect to that station,”
 7 and inserting “with respect to that station (and all
 8 stations operated by the licensee),”;

9 (2) by striking “its” and inserting “that sta-
 10 tion’s”; and

11 (3) in subparagraph (A), by striking “the sta-
 12 tion has” and inserting “the station has, and such
 13 other stations have,”.

14 **SEC. 6. PARTY IN INTEREST REQUIREMENT FOR PETITIONS**
 15 **TO OPPOSE THE GRANT OR RENEWAL OF A**
 16 **LICENSE.**

17 Section 309(d) of the Communications Act of 1934
 18 (47 U.S.C. 309(d)(1)) is amended by adding at the end
 19 the following:

20 “(3) For purposes of paragraph (1), the term ‘party
 21 in interest’ includes any individual who—

22 “(A) is a listener or viewer of the specific sta-
 23 tion to which the application relates (determined
 24 without regard to such individual’s place of resi-
 25 dence);

1 “(B) asserts an interest in vindicating the gen-
2 eral public interest; and

3 “(C) makes the specific allegations and
4 showings required by this subsection.”.

5 **SEC. 7. COMPLETION OF CERTAIN PENDING PROCEEDINGS.**

6 (a) IN GENERAL.—Not later than 9 months after the
7 date of enactment of this Act, the Commission shall com-
8 plete action on—

9 (1) In the Matter of Standardized and En-
10 hanced Disclosure Requirements for Television
11 Broadcast Licensee Public Interest Obligations, MM
12 Docket No. 00–168; and

13 (2) In the Matter of Public Interest Obligations
14 of Television Broadcast Licensees, MM Docket No.
15 99–360.

16 (b) STANDARDIZED FORMS FOR ELECTRONICALLY
17 FILED REPORTS.—As part of the proceedings described
18 in subsection (a), the Commission shall—

19 (1) give consideration to requiring standardized
20 forms for broadcasters to use in preparing public in-
21 terest issues and programs lists for electronic filing;
22 and

23 (2) if it determines that such standardized
24 forms would be in the public interest, develop and

1 promulgate such forms and require their use by per-
 2 mittees and licensees.

3 **SEC. 8. DEFINITIONS.**

4 In this Act:

5 (1) BROADCASTER.—The term “broadcaster”
 6 means a permittee or licensee of a commercial or
 7 non-commercial television or radio broadcast station.

8 (2) CHILDREN’S PROGRAMMING REPORTS.—The
 9 term “children’s programming reports” means the
 10 information that a broadcaster is required to provide
 11 for public inspection by paragraph (e)(11)(iii) of sec-
 12 tion 73.3526 of title 47, Code of Federal Regula-
 13 tions.

14 (3) COMMISSION.—The term “Commission”
 15 means the Federal Communications Commission.

16 (4) PUBLIC INTEREST ISSUES AND PROGRAMS
 17 LIST.—The term “public interest issues and pro-
 18 grams list” means the information that—

19 (A) a commercial broadcast station is re-
 20 quired to provide for public inspection by para-
 21 graphs (e)(11)(i) and (12) of section 73.3526 of
 22 title 47, Code of Federal Regulations; and

23 (B) a non-commercial broadcast station is
 24 required to provide for public inspection by

- 1 paragraph (e)(8) of section 73.3527 of title 47,
- 2 Code of Federal Regulations.

