

110TH CONGRESS  
1ST SESSION

# H. R. 4882

To ensure broadcast station licenses are utilized to serve the public interest.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Ms. ESHOO (for herself and Ms. BALDWIN) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

---

## A BILL

To ensure broadcast station licenses are utilized to serve  
the public interest.

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 “Broadcast Licensing  
5 in the Public Interest Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The broadcast airwaves are an extremely  
9 vital and valuable public resource. If television and  
10 radio broadcast spectrum were to be auctioned for

1 commercial use it could generate several hundred  
2 billion dollars for the public treasury.

3 (2) The Communications Act of 1934 requires  
4 the Federal Communications Commission and broad-  
5 cast licensees to promote the public interest. As pub-  
6 lic trustees, over-the-air television and radio broad-  
7 cast licensees have been granted the unique privilege  
8 of using a scarce public asset—the airwaves—for  
9 free in exchange for their promise to serve the public  
10 interest, convenience and necessity.

11 (3) In 1969, the Supreme Court declared in  
12 *Red Lion Broadcasting Co. v. Federal Communica-*  
13 *tions Commission* that “it is the purpose of the First  
14 Amendment to preserve an uninhibited marketplace  
15 of ideas in which truth will ultimately prevail, rather  
16 than to countenance monopolization of the market,”  
17 and thus, it is “the right of the viewers and lis-  
18 teners, not the right of the broadcasters, which is  
19 paramount”.

20 (4) Drastic media consolidation over the past  
21 decade has greatly diminished the broadcast licens-  
22 ees’ performance of public interest obligations and  
23 broadcast media’s ability to foster diversity, competi-  
24 tion, and localism.

1           (5) An October 2003 analysis of seven media  
2 markets shows that just 0.4 percent of television  
3 programming is devoted to local public affairs. By  
4 contrast, 14.4 percent is paid programming such as  
5 infomercials, 9.9 percent is reality or game shows  
6 and 7.9 percent is sporting events. In addition, most  
7 of the local public affairs programming airs on week-  
8 end mornings, at times with lower television  
9 viewership.

10           (6) Independently produced programming now  
11 accounts for less than one-fifth of television prime  
12 time programming. On the four major networks,  
13 independent programming accounts for about one-  
14 seventh.

15           (7) A survey of evening television news broad-  
16 casts of 44 local affiliates of broadcasters in 11 mar-  
17 kets prior to the 2004 election showed that only  
18 eight percent of such broadcasts contained a story  
19 about local elections. By contrast, 8 times more cov-  
20 erage went to stories about accidental injuries, and  
21 12 times more coverage to sports and weather. In  
22 2006, news about politics and government accounted  
23 for about 10 percent of stories on local television  
24 news while crime and traffic comprised nearly 50  
25 percent of the coverage.

1 **SEC. 3. BASIS FOR PUBLIC INTEREST DETERMINATIONS.**

2 Section 309(k) of the Communications Act of 1934  
3 (47 U.S.C. 309(k)) is amended by adding at the end the  
4 following new paragraph:

5 “(5) BASIS FOR FINDING STATION HAS SERVED  
6 THE PUBLIC INTEREST, CONVENIENCE, AND NECES-  
7 SITY.—

8 “(A) DEMONSTRATION REQUIRED.—The  
9 Commission shall not find for purposes of para-  
10 graph (1)(A) that a station, through its pro-  
11 gramming, has served the public interest, con-  
12 venience, and necessity unless the applicant has  
13 fulfilled these obligations by demonstrating—

14 “(i) a dedication to the civic affairs of  
15 its community;

16 “(ii) a dedication to local news gath-  
17 ering;

18 “(iii) local production of program-  
19 ming;

20 “(iv) a commitment to providing the  
21 viewing public a presentation of the issues,  
22 candidates, and ballot items that are be-  
23 fore voters during a local, statewide or na-  
24 tional election, including coverage of can-  
25 didate debates and forums, political con-  
26 ventions, and ongoing news coverage; and

1           “(v) presentation of quality edu-  
2           cational programming for children.

3           “(B) REGULATIONS.—The Commission  
4           shall prescribe regulations to implement sub-  
5           paragraph (A) that—

6                   “(i) require each licensee for a station  
7                   to submit to the Commission an annual re-  
8                   port identifying with particularity the  
9                   methods and actions taken to fulfill the ob-  
10                  ligations identified in subparagraph (A);

11                   “(ii) require each such licensee to as-  
12                   certain its compliance with such obliga-  
13                   tions with appropriate public input from  
14                   the community of license for such station;  
15                   and

16                   “(iii) contain such exemptions from  
17                   one or more of such obligations for par-  
18                   ticular classes or categories of such licens-  
19                   ees if the Commission determines that  
20                   such obligation is inappropriate for such  
21                   class or category.”.

22 **SEC. 4. TERMS OF LICENSES.**

23           (a) AMENDMENT.—Section 307(c)(1) of the Commu-  
24           nications Act of 1934 (47 U.S.C. 307(c)(1)) is amended

1 by striking “8 years” each place it appears and inserting  
2 “3 years”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall be effective with respect to any license  
5 granted by the Federal Communications Commission after  
6 the date of enactment of this Act.

○