

REAFFIRMING THE COMMITMENT TO MEDIA DIVERSITY AND PLEDGING TO WORK WITH MEDIA ENTITIES AND DIVERSE STAKEHOLDERS TO DEVELOP COMMON GROUND SOLUTIONS TO ELIMINATE BARRIERS TO MEDIA DIVERSITY

DECEMBER 8, 2020.—Referred to the House Calendar and ordered to be printed

Mr. PALLONE, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H. Res. 549]

The Committee on Energy and Commerce, to whom was referred the resolution (H. Res. 549) reaffirming the commitment to media diversity and pledging to work with media entities and diverse stakeholders to develop common ground solutions to eliminate barriers to media diversity, having considered the same, reports favorably thereon without amendment and recommends that the resolution be agreed to.

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I. PURPOSE AND SUMMARY

H. Res. 549, a resolution on media diversity, was introduced by Representative Val Demings (D-FL) and referred to the Committee on Energy and Commerce. H. Res. 549 reaffirms the commitment by the House of Representatives to media diversity and pledges to

work with media entities and diverse stakeholders to develop common ground solutions to eliminate barriers to media diversity.

## II. BACKGROUND AND NEED FOR LEGISLATION

Ownership by women and people of color of traditional media distribution outlets—broadcast and multichannel video programming distributor (MVPD) is very low.<sup>1</sup> According to the most recent data from the Federal Communications Commission (FCC) from October 2017, ownership of full power commercial television stations and commercial FM radio stations by women and people of color was around 10 percent.<sup>2</sup> The FCC does not collect similar ownership data for MVPDs.

Viewpoint and ownership diversity have long been cited by Congress (as well as the FCC) as constituting a compelling governmental interest both for Congress and the FCC.<sup>3</sup> Media outlets provide viewers with educational, political, entertainment, and news programming. Diversity helps to ensure that programming offers different perspectives and that viewers have access to programming that is relevant to them.<sup>4</sup>

## III. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop or consider H. Res. 549:

The Subcommittee on Communications and Technology held a hearing on January 9, 2020, entitled “Lifting Voices: Legislation to Promote Media Marketplace Diversity.” The Subcommittee received testimony from the following witnesses:

- Maurita Coley, Esq., President and CEO, Multicultural Media, Telecom and Internet Council
- Clint Odom, Senior Vice President, Advocacy & Policy & Executive Director, Washington Bureau, National Urban League
- Catherine J.K. Sandoval, Associate Professor, Santa Clara University School of Law
- Diane Sutter, President/CEO, ShootingStar Inc.

## IV. COMMITTEE CONSIDERATION

On September 10, 2019, Representative Demings introduced H. Res. 549, a resolution reaffirming the commitment of the House of Representatives to media diversity and pledging to eliminate barriers to such diversity. The resolution was referred to the Committee on Energy and Commerce and subsequently to the Subcommittee on Communications and Technology on September 11,

<sup>1</sup> See, e.g., Federal Communications Commission, *Fourth Report on Ownership of Commercial Broadcast Stations* (Feb. 14, 2020); Government Accountability Office, *Economic Factors Influence the Number of Media Outlets in Local Markets, While Ownership by Minorities and Women Appears Limited and Is Difficult to Assess* (April 11, 2008) (GAO 08-383).

<sup>2</sup> Federal Communications Commission, Media Bureau, *Third Report on Ownership of Commercial Broadcast Stations* (May 10, 2017). Ownership by women and people of color of Class A television stations, low power television stations, and commercial AM radio stations did not fare any better. *Id.*

<sup>3</sup> Michelle C. Forelle, *The FCC and the Problem of Diversity*, *International Journal of Communication* (2015).

<sup>4</sup> See, e.g., Carolyn M. Byerly, *Behind the Scenes of Women’s Broadcast Ownership*, *Howard University Journal of Communications* (2011).

2019. The Subcommittee held a hearing on the resolution on January 9, 2020.

The Subcommittee met in open markup session on H. Res. 549 on March 10, 2020, pursuant to notice, for consideration of the resolution. Subsequently, the Subcommittee on Communications and Technology agreed to a motion by Mr. Doyle, Chairman of the subcommittee, to favorably forward H. Res. 549, without amendment, to the full Committee on Energy and Commerce.

On July 15, 2020, the full Committee met in virtual open markup session, pursuant to notice, to consider H. Res. 549. No amendments were offered to the resolution during its consideration. At the conclusion of markup of the resolution, the Committee on Energy and Commerce agreed to a motion offered by Mr. Pallone, Chairman of the committee, to order H. Res. 549 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

#### V. COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. The Committee advises that there were no record votes taken on H. Res. 549.

#### VI. OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the oversight findings and recommendations of the Committee are reflected in the descriptive portion of the report.

#### VII. NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this resolution contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

#### VIII. FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### IX. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is for the House of Representatives to express its overarching goal of promoting diversity in the media marketplace by pledging to work with media entities and di-

verse stakeholders to develop common ground solutions to eliminate barriers to media diversity.

#### X. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H. Res. 549 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

#### XI. COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### XII. EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H. Res. 549 contains no earmarks, limited tax benefits, or limited tariff benefits.

#### XIII. ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

#### XIV. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### XV. SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

The preamble of this resolution expresses that an informed and engaged electorate is critical to a vibrant democracy, and independent, diverse, and local media provide a broad range of viewpoints. The preamble also states that small, independent, and diverse media outlets that serve diverse audiences and local media markets is essential to preserving local culture and understanding local community issues. The preamble notes the continued challenges of increasing diversity among all types of media entities.

H. Res. 549 further resolves that the House of Representatives reaffirms its commitment to media diversity and pledges to work with media entities and diverse stakeholders to eliminate barriers to such diversity.

#### XVI. CHANGES IN EXISTING LAW MADE BY THE RESOLUTION, AS REPORTED

There are no changes to existing law made by the resolution H. Res. 549.