

106TH CONGRESS  
1ST SESSION

# H. R. 2762

To amend the Communications Act of 1934 to provide for the resolution  
of certain contested broadcast license proceedings.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. JONES of North Carolina introduced the following bill; which was referred  
to the Committee on Commerce

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## A BILL

To amend the Communications Act of 1934 to provide for  
the resolution of certain contested broadcast license pro-  
ceedings.

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. RESOLUTION OF CERTAIN CONTESTED BROAD-**  
4       **CAST LICENSE PROCEEDINGS.**

5       Section 311 of the Communications Act of 1934 (47  
6       U.S.C. 311) is amended by adding at the end the following  
7       new subsection:

8       “(e) RESOLUTION OF CERTAIN CONTESTED BROAD-  
9       CAST LICENSE PROCEEDINGS.—Notwithstanding any  
10      other provision of law, the Commission shall examine the

1 record of all contested broadcast comparative proceedings  
2 pending on the date of enactment of this subsection,  
3 whether for new or existing authorizations, and in every  
4 such case in which an applicant with currently pending  
5 claims has previously made a claim of unconstitutional dis-  
6 crimination by the Commission against the applicant, and  
7 in which (1) the United States Court of Appeals for the  
8 District of Columbia Circuit or the United States Supreme  
9 Court has made a final judicial determination of such dis-  
10 crimination, or (2) an applicant failed to get such judicial  
11 relief due to the erroneous application of the standard set  
12 forth in *Metro Broadcasting v. FCC*, 497 U.S. 547 (1990)  
13 (which such standard was corrected in *Adarand Construc-*  
14 *tors v. FCC*, 515 U.S. 200 (1995)), the Commission shall  
15 promptly either award the contested broadcast license to  
16 the applicant who was found to be the victim of discrimi-  
17 nation, or if the license has already been awarded to a  
18 competing applicant, the Commission shall award a settle-  
19 ment to the applicant who was found to be the victim of  
20 discrimination, in an amount equal to the current fair  
21 market value of the broadcasting facility for the contested  
22 license, less 25 percent for the cost of studio and transmit-  
23 ting construction.”.

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