

107TH CONGRESS
1ST SESSION

S. 1189

To require the Federal Communications Commission to amend its daily newspaper cross-ownership rules, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2001

Mr. HOLLINGS (for himself, Mr. INOUE, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Federal Communications Commission to amend its daily newspaper cross-ownership rules, 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. FCC DAILY NEWSPAPER CROSS-OWNERSHIP**
4 **RULE.**

5 (a) IMMEDIATE REVIEW.—

6 (1) IN GENERAL.—The Federal Communica-
7 tions Commission shall modify section 73.3555(d) of
8 its regulations (47 C.F.R. 73.3555(d)) to provide for
9 the immediate review of a license for any AM, FM,

1 or TV broadcast station held by any party (including
2 all parties under common control) that acquires di-
3 rect or indirect ownership, operation, or control of a
4 daily newspaper.

5 (2) NOTICE TO COMMISSION.—The modification
6 under paragraph (1) shall require that any licensee
7 covered by that paragraph notify the Committee of
8 the acquisition of the ownership, operation, or con-
9 trol of a daily newspaper upon the acquisition of
10 such ownership, operation, or control.

11 (b) REMEDIAL ACTION.—The Commission shall fur-
12 ther modify section 73.3555(d) of its regulations (47
13 C.F.R. 73.3555(d)) to require modification or revocation
14 of the license, or divestiture of such ownership, operation,
15 or control of the daily newspaper, unless the Commission
16 determines that direct or indirect ownership, operation, or
17 control of the daily newspaper by that party will not cause
18 a result described in paragraph (1), (2), or (3) of that
19 section.

20 (c) 6-MONTH DEADLINE FOR COMPLIANCE.—Under
21 the regulations as modified under subsection (b), if the
22 Commission does not make a determination described in
23 subsection (b), the Commission shall require the modifica-
24 tion, revocation, or divestiture to be completed not later
25 than the earlier of—

1 (1) the date that is 180 days after the date on
 2 which the Commission issues the order requiring the
 3 modification, revocation, or divestiture; or

4 (2) the date by which the Commission's regula-
 5 tions require the license to be renewed.

6 (d) APPLICATION TO EXISTING ARRANGEMENTS.—

7 (1) IN GENERAL.—In applying its regulations,
 8 as modified pursuant to this section, to any license
 9 for an AM, FM, or TV broadcast station that is held
 10 on the date of the enactment of this Act by a party
 11 that also, as of that date, has direct or indirect own-
 12 ership, operation, or control of a daily newspaper,
 13 the Commission—

14 (A) may grant a permanent or temporary
 15 waiver from the modification, revocation, or di-
 16 vestiture requirements of the modified regula-
 17 tion if the Commission determines that the
 18 waiver is consistent with the principles of com-
 19 petition, diversity, and localism in the public in-
 20 terest; and

21 (B) shall not apply the modified regulation
 22 so as to require modification, revocation, or di-
 23 vestiture in circumstances in which section
 24 73.3555(d) of the Commission's regulations (47

1 C.F.R. 73.3555(d)) does not apply because of
 2 Note 4 to that section.

3 (2) NOTICE TO COMMISSION.—A licensee of a
 4 license described by paragraph (1) shall notify the
 5 Commission not later than 30 days after the date of
 6 the enactment of this Act that the license is covered
 7 by paragraph (1).

8 **SEC. 2. REVIEW BASED ON TRANSACTIONS.**

9 The Federal Communications Commission shall fur-
 10 ther modify section 73.3555 of its regulations (47 C.F.R.
 11 73.3555) so that the Commission will determine compli-
 12 ance with section 73.3555(d) of its regulations, as modi-
 13 fied by the Commission pursuant to section 1 of this Act,
 14 whenever a party (including all parties under common con-
 15 trol)—

16 (1) that holds a license for an AM, FM, or TV
 17 broadcast station acquires direct or indirect owner-
 18 ship, operation, or control of a daily newspaper; or

19 (2) that directly or indirectly owns, operates, or
 20 controls a daily newspaper acquires a license for an
 21 AM, FM, or TV broadcast station.

1 **SEC. 3. FCC TO JUSTIFY REPEAL OR MODIFICATION OF**
2 **REGULATIONS UNDER REGULATORY RE-**
3 **FORM.**

4 Section 11 of the Communications Act of 1934 (47
5 U.S.C. 161) is amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection (b):

10 “(b) RELAXATION OR ELIMINATION OF MEDIA OWN-
11 ERSHIP RULES.—If, as a result of a review under sub-
12 section (a)(1), the Commission makes a determination
13 under subsection (a)(2) with respect to its regulations gov-
14 erning multiple ownership (47 C.F.R. 73.3555), then not
15 less than 18 months before the proposed repeal or modi-
16 fication under subsection (c) is to take effect, the Commis-
17 sion shall transmit to the Committee on Commerce,
18 Science, and Transportation of the Senate and the Com-
19 mittee on Commerce of the House of Representatives—

20 “(1) a statement of the proposed repeal or
21 modification; and

22 “(2) an explanation of the basis for its deter-
23 mination, including an explanation of how the pro-
24 posed repeal or modification is expected to promote
25 competition, diversity, and localism in the public in-
26 terest.”.

1 **SEC. 4. DEADLINE FOR MODIFICATION OF REGULATIONS.**

2 The Federal Communications Commission shall com-
3 plete the modifications of its regulations required by sec-
4 tions 1 and 2 of this Act not later than 1 year after the
5 date of the enactment of this Act.

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