

Calendar No. 813

108TH CONGRESS
2D SESSION

S. 2505

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2004

Mr. MCCAIN (for himself, Mr. LEAHY, Ms. CANTWELL, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 19, 2004

Reported by Mr. MCCAIN, with an amendment

[Insert the part printed in *italic*]

A BILL

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

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. FINDINGS.**

4 Congress makes the following findings:

1 (1) The passage of the Telecommunications Act
2 of 1996 led to increased ownership consolidation in
3 the radio industry.

4 (2) At a hearing before the Senate Committee
5 on Commerce, Science, and Transportation, on June
6 4, 2003, all 5 members of the Federal Communica-
7 tions Commission testified that there has been, in at
8 least some local radio markets, too much consolida-
9 tion.

10 (3) A commitment to localism—local oper-
11 ations, local research, local management, locally-
12 originated programming, local artists, and local news
13 and events—would bolster radio listening.

14 (4) Local communities have sought to launch
15 radio stations to meet their local needs. However,
16 due to the scarce amount of spectrum available and
17 the high cost of buying and running a large station,
18 many local communities are unable to establish a
19 radio station.

20 (5) In 2003, the average cost to acquire a com-
21 mercial radio station was more than \$2.5 million
22 dollars.

23 (6) In January, 2000, the Federal Communica-
24 tions Commission authorized a new, affordable com-
25 munity radio service called “low power FM” or

1 “LPFM” to “enhance locally focused community-ori-
2 ented radio broadcasting”.

3 (7) Through the creation of LPFM, the Com-
4 mission sought to “create opportunities for new
5 voices on the air waves and to allow local groups, in-
6 cluding schools, churches and other community-
7 based organizations, to provide programming respon-
8 sive to local community needs and interests”.

9 (8) The Commission made clear that the cre-
10 ation of LPFM would not compromise the integrity
11 of the FM radio band by stating, “We are com-
12 mitted to creating a low power FM radio service
13 only if it does not cause unacceptable interference to
14 existing radio service.”.

15 (9) Small rural broadcasters were particularly
16 concerned about a lengthy and costly interference
17 complaint process. Therefore, in September, 2000,
18 the Commission created a simple process to address
19 interference complaints regarding LPFM stations on
20 an expedited basis.

21 (10) In December, 2000, Congress delayed the
22 full implementation of LPFM until an independent
23 engineering study was completed and reviewed. This
24 delay was due to some broadcasters’ concerns that

1 LPFM service would cause interference in the FM
2 band.

3 (11) The delay prevented millions of Americans
4 from having a locally operated, community based
5 radio station in their neighborhood.

6 (12) Approximately 300 LPFM stations were
7 allowed to proceed despite the congressional action.
8 These stations are currently on the air and are run
9 by local government agencies, groups promoting arts
10 and education to immigrant and indigenous peoples,
11 artists, schools, religious organizations, environ-
12 mental groups, organizations promoting literacy, and
13 many other civically-oriented organizations.

14 (13) After 2 years and the expenditure of
15 \$2,193,343 in taxpayer dollars to conduct this
16 study, the broadcasters' concerns were demonstrated
17 to be unsubstantiated.

18 **SEC. 2. REPEAL OF PRIOR LAW.**

19 Section 632 of the Departments of Commerce, Jus-
20 tice, and State, the Judiciary, and Related Agencies Ap-
21 propriations Act, 2001 (Public Law 106–553; 114 Stat.
22 2762A–111), is repealed.

1 **SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.**

2 The Federal Communications Commission shall mod-
3 ify its rules to eliminate third-adjacent minimum distance
4 separation requirements between—

5 (1) low-power FM stations; and

6 (2) full-service FM stations, FM translator sta-
7 tions, and FM booster stations.

8 **SEC. 4. PROTECTION OF RADIO READING SERVICES.**

9 The Federal Communications Commission shall re-
10 tain its rules that provide third-adjacent channel protec-
11 tion for full-power non-commercial FM stations that
12 broadcast radio reading services via a subcarrier frequency
13 from potential low-power FM station interference.

14 **SEC. 5. FEDERAL COMMUNICATIONS COMMISSION RULES.**

15 *The Federal Communications Commission shall retain*
16 *its rules that provide third-adjacent channel protection for*
17 *full-power FM stations that are licensed in significantly*
18 *populated States with more than 3,000,000 housing units*
19 *and a population density greater than 1,000 people per*
20 *square mile land area.*

21 **SEC. 6. TRANSLATOR LICENSING.**

22 *The Federal Communications Commission shall evalu-*
23 *ate the impact of translator licensing on low power and*
24 *full power radio stations. The Federal Communications*
25 *Commission shall implement policies to promote opportuni-*
26 *ties for locally based low power radio stations, while pro-*

- 1 *protecting full power stations from harmful interference from*
- 2 *translator networks.*

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