

**Calendar No. 966**

110TH CONGRESS  
2D SESSION

**S. 2332**

**[Report No. 110-461]**

To promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

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**IN THE SENATE OF THE UNITED STATES**

NOVEMBER 8, 2007

Mr. DORGAN (for himself, Mr. LOTT, Mr. OBAMA, Ms. SNOWE, Mr. KERRY, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. CLINTON, Mr. DURBIN, Mr. TESTER, Mr. DODD, Mr. SANDERS, Mr. FEINGOLD, Mrs. BOXER, Mr. CRAIG, Ms. COLLINS, Mrs. MCCASKILL, Mr. CASEY, Mrs. MURRAY, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CORKER, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2008

Reported by Mr. INOUE, with amendments

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**A BILL**

To promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

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 “Media Ownership Act  
 5       of 2007”.

6       **SEC. 2. MEDIA OWNERSHIP REFORMS.**

7       Section 202 of the Telecommunications Act of 1996  
 8       (Public Law 104–104; 110 Stat. 110) is amended by—

9               (1) redesignating subsection (i) as subsection  
 10       (l); and

11              (2) by inserting after subsection (h) the fol-  
 12       lowing:

13       “(i) NOTICE AND PUBLIC COMMENT REQUIRE-  
 14       MENT.—

15              “(1) IN GENERAL.—In modifying, revising, or  
 16       amending any of its regulations related to broadcast  
 17       ownership, including any ownership rule or limita-  
 18       tion set forth under sections 73.3555, 73.658(g), or  
 19       76.501 of its regulations (47 C.F.R. 73.3555,  
 20       73.658(g), 76.501), the Commission shall—

21              “(A) not later than 90 days prior to any  
 22       vote by the Commission on the adoption of such  
 23       modification, revision, or amendment publish  
 24       such prospective modification, revision, or  
 25       amendment in the Federal Register;

1 “(B) after such publication provide the  
 2 public at least 60 days on which to comment on  
 3 the prospective modification, revision, or  
 4 amendment; and

5 “(C) upon the expiration of the 60-day  
 6 comment period described under paragraph (2),  
 7 have not less than 30 days in which to reply to  
 8 any such comments.

9 “(2) EFFECTIVE DATE.—

10 “(A) IN GENERAL.—The notice and public  
 11 *comment* requirements under paragraph (1)  
 12 shall apply to any attempt by the Commission  
 13 to modify, revise, or amend its regulations re-  
 14 lated to broadcast and newspaper ownership  
 15 made after October 1, 2007.

16 “(B) FAILURE TO COMPLY.—If the Com-  
 17 mission fails to comply with the notice and pub-  
 18 lic requirements under paragraph (1) with re-  
 19 spect to any modification, revision, or amend-  
 20 ment to which such requirements apply, then  
 21 such modification, revision, or amendment shall  
 22 be vitiated and shall be of no force and effect.

23 “(j) PROMOTION OF LOCAL CONTENT IN MEDIA.—  
 24 Before voting on ~~any change in the broadcast and news-~~  
 25 ~~paper ownership rules~~, *any change in the broadcast and*

1 *newspaper ownership rules in a proceeding made necessary*  
 2 *by the decision of the U.S. Court of Appeals in Prometheus*  
 3 *v. Federal Communications Commission, United States of*  
 4 *America, (No. 03–3388) 2003 U.S. App. LEXIS 18390),*  
 5 the Commission shall initiate, conduct, and complete a  
 6 separate rulemaking proceeding to promote the broadcast  
 7 of local programming and content by broadcasters, includ-  
 8 ing radio and television broadcast stations, and news-  
 9 papers. Before ~~issuing a final rule,~~ *publishing a modifica-*  
 10 *tion, revision, or amendment of its broadcast ownership*  
 11 *rules under subsection (i),* the Commission shall—

12           “(1) ~~conduct~~ *complete* a study to determine the  
 13 overall impact of television station duopolies and  
 14 newspaper-broadcast cross-ownership on the quan-  
 15 tity and quality of local news, public affairs, local  
 16 news media jobs, and local cultural programming at  
 17 the market level;

18           “(2) publish a proposed final rule in the Fed-  
 19 eral Register not later than 90 days prior to any  
 20 vote by the Commission on the adoption of the rule;

21           “(3) after such publication provide the public at  
 22 least 60 days on which to comment on the prospec-  
 23 tive rule; and

24           “(4) upon the expiration of the 60-day com-  
 25 ment period described in paragraph (3), have not

1 less than 30 days in which to reply to any such com-  
 2 ments.

3 “(k) INDEPENDENT PANEL ON WOMEN AND MINOR-  
 4 ITY OWNERSHIP OF BROADCAST MEDIA.—

5 “(1) ESTABLISHMENT.—The Commission shall  
 6 establish and convene an independent panel on  
 7 women and minority ownership of broadcast media  
 8 to make recommendations to the Commission for  
 9 specific Commission rules to increase the representa-  
 10 tion of women and minorities in the ownership of  
 11 broadcast media.

12 “(2) CENSUS.—The Commission shall—

13 “(A) conduct a full and accurate census of  
 14 the race and gender of individuals holding a  
 15 controlling interest in broadcast station li-  
 16 censee;

17 “(B) provide the results of the census to  
 18 the panel for its consideration before it makes  
 19 any recommendation to the Commission; and

20 “(C) study the impact of media market  
 21 concentration on the representation of women  
 22 and minorities in the ownership of broadcast  
 23 media ~~based on~~ *that takes into account* the data  
 24 in the census and report the results of that  
 25 study to the panel for its consideration before

1           it makes any recommendation to the Commis-  
2           sion.

3           “(3)   CONSIDERATION   OF   PANEL’S   REC-  
4   COMMENDATIONS.—The Commission shall act on the  
5   panel’s recommendations before voting on any  
6   changes to its broadcast and newspaper ownership  
7   rules.”.



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