

106TH CONGRESS
2D SESSION

S. 3020

To require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2000

Mr. GRAMS (for himself, Mr. BAUCUS, Mr. INHOFE, Mr. GREGG, and Mrs. HUTCHISON) 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 revise its regulations authorizing the operation of new, low-power FM radio stations.

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 “Radio Broadcasting
5 Preservation Act of 2000”.

6 **SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS**

7 **REQUIRED.**

8 (a) **THIRD-ADJACENT CHANNEL PROTECTIONS RE-**
9 **QUIRED.—**

1 (1) MODIFICATIONS REQUIRED.—The Federal
2 Communications Commission shall modify the rules
3 authorizing the operation of low-power FM radio
4 stations, as proposed in MM Docket No. 99–25,
5 to—

6 (A) prescribe minimum distance separa-
7 tions for third-adjacent channels (as well as for
8 co-channels and first- and second-adjacent
9 channels); and

10 (B) prohibit any applicant from obtaining
11 a low-power FM license if the applicant has en-
12 gaged in any manner in the unlicensed oper-
13 ation of any station in violation of section 301
14 of the Communications Act of 1934 (47 U.S.C.
15 301).

16 (2) CONGRESSIONAL AUTHORITY REQUIRED
17 FOR FURTHER CHANGES.—The Federal Communica-
18 tions Commission may not—

19 (A) eliminate or reduce the minimum dis-
20 tance separations for third-adjacent channels
21 required by paragraph (1)(A); or

22 (B) extend the eligibility for application for
23 low-power FM stations beyond the organiza-
24 tions and entities as proposed in MM Docket
25 No. 99–25 (47 CFR 73.853),

1 except as expressly authorized by Act of Congress
2 enacted after the date of the enactment of this Act.

3 (3) VALIDITY OF PRIOR ACTIONS.—Any license
4 that was issued by the Commission to a low-power
5 FM station prior to the date on which the Commis-
6 sion modify its rules as required by paragraph (1)
7 and that does not comply with such modifications
8 shall be invalid.

9 (b) FURTHER EVALUATION OF NEED FOR THIRD-
10 ADJACENT CHANNEL PROTECTIONS.—

11 (1) PILOT PROGRAM REQUIRED.—The Federal
12 Communications Commission shall conduct an exper-
13 imental program to test whether low-power FM
14 radio stations will result in harmful interference to
15 existing FM radio stations if such stations are not
16 subject to the minimum distance separations for
17 third-adjacent channels required by subsection (a).
18 The Commission shall conduct such test in no more
19 than nine FM radio markets, including urban, sub-
20 urban, and rural markets, by waiving the minimum
21 distance separations for third-adjacent channels for
22 the stations that are the subject of the experimental
23 program. At least one of the stations shall be se-
24 lected for the purpose of evaluating whether min-
25 imum distance separations for third-adjacent chan-

1 nels are needed for FM translator stations. The
2 Commission may, consistent with the public interest,
3 continue after the conclusion of the experimental
4 program to waive the minimum distance separations
5 for third-adjacent channels for the stations that are
6 the subject of the experimental program.

7 (2) CONDUCT OF TESTING.—The Commission
8 shall select an independent testing entity to conduct
9 field tests in the markets of the stations in the ex-
10 perimental program under paragraph (1). Such field
11 tests shall include—

12 (A) an opportunity for the public to com-
13 ment on interference; and

14 (B) independent audience listening tests to
15 determine what is objectionable and harmful in-
16 terference to the average radio listener.

17 (3) REPORT TO CONGRESS.—The Commission
18 shall publish the results of the experimental program
19 and field tests and afford an opportunity for the
20 public to comment on such results. The Federal
21 Communications Commission shall submit a report
22 on the experimental program and field tests to the
23 Committee on Commerce of the House of Represent-
24 atives and the Committee on Commerce, Science,

1 and Transportation of the Senate not later than
2 February 1, 2001. Such report shall include—

3 (A) an analysis of the experimental pro-
4 gram and field tests and of the public comment
5 received by the Commission;

6 (B) an evaluation of the impact of the
7 modification or elimination of minimum dis-
8 tance separations for third-adjacent channels
9 on—

10 (i) listening audiences;

11 (ii) incumbent FM radio broadcasters
12 in general, and on minority and small mar-
13 ket broadcasters in particular, including an
14 analysis of the economic impact on such
15 broadcasters;

16 (iii) the transition to digital radio for
17 terrestrial radio broadcasters;

18 (iv) stations that provide a reading
19 service for the blind to the public; and

20 (v) FM radio translator stations;

21 (C) the Commission's recommendations to
22 the Congress to reduce or eliminate the min-
23 imum distance separations for third-adjacent
24 channels required by subsection (a); and

1 (D) such other information and rec-
2 ommendations as the Commission considers ap-
3 propriate.

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