

104TH CONGRESS
2D SESSION

H. R. 3623

To require the Federal Communications Commission to revise its television duopoly rules to require public comment on certain local marketing agreements.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1996

Mr. FARR of California introduced the following bill; which was referred to the Committee on Commerce

A BILL

To require the Federal Communications Commission to revise its television duopoly rules to require public comment on certain local marketing agreements.

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 The Congress finds that—

5 (1) local marketing agreements for television
6 stations should be a method for stations to maintain
7 both their operations and their independence in
8 times of need;

1 (2) local marketing agreements for television
2 stations have in practice involved comprehensive
3 agreements turning over most operations and control
4 over sales and revenue of one station to another en-
5 tity;

6 (3) such agreements may jeopardize the inde-
7 pendence of television stations and media diversity
8 in small markets; and

9 (4) current rules of the Federal Communica-
10 tions Commission for local marketing agreements for
11 television stations do not take into account a sta-
12 tion's independence, the effect on small media mar-
13 kets, or the need for input from the public.

14 **SEC. 2. REVISION OF DUOPOLY RULES REQUIRED.**

15 (a) **RULE CHANGES REQUIRED.**—The Federal Com-
16 munications Commission shall revise section 73.3555(b) of
17 its rules (47 C.F.R. 73.3555(b))—

18 (1) to treat as an attributable interest any
19 agreement to broker more than 15 percent of the
20 broadcast time per week of a television station to
21 any party (including all parties under common con-
22 trol) who directly or indirectly owns, operates, or
23 controls an overlapping television station;

24 (2) to require that any such agreement be a
25 signed written instrument that is maintained in the

1 public file of the stations that are parties to the
2 agreement and is available for public inspection; and

3 (3) to permit, after notice and public comment,
4 waivers of such rule for agreements described in
5 paragraph (1) if the Commission determines that
6 such waiver is consistent with the public interest,
7 convenience, and necessity.

8 (b) OVERLAPPING STATION DEFINITION.—For pur-
9 poses of subsection (a), two television stations shall be
10 treated as overlapping stations in the Grade B contours
11 of such stations signal overlap, as determined under sec-
12 tion 73.3555 of the Commission’s rules.

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