

94TH CONGRESS
1ST SESSION

H. R. 6461

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1975

Mr. MACDONALD of Massachusetts (for himself, Mr. MURPHY of New York, Mr. CARNEY, Mr. BYRON, Mr. WIRTH, Mr. BRODHEAD, Mr. FREY, and Mr. MADIGAN) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting 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 That this Act may be cited as the "Public Broadcasting
4 Financing Act of 1975".

5 SEC. 2. Subsection 396 (k) of the Communications Act
6 of 1934 is amended by inserting, after paragraph (2), the
7 following paragraphs:

8 “(3) There is hereby established in the Treasury a fund
9 which shall be known as the ‘Public Broadcasting Fund,’

1 administered by the Secretary of the Treasury. There are au-
2 thorized to be appropriated to such fund for each of the
3 fiscal years during the period beginning July 1, 1975, and
4 ending September 30, 1978, an amount equal to 40 per
5 centum of the total amount of non-Federal financial support
6 received by public broadcasting entities during the fiscal
7 year second preceding each such fiscal year, for the period
8 July 1, 1976, through September 30, 1976, an amount equal
9 to 10 per centum of the total amount of non-Federal financial
10 support received by public broadcasting entities during the
11 fiscal year ending June 30, 1975, and for each of the two
12 fiscal years ending during the period beginning October 1,
13 1978, and ending September 30, 1980, an amount equal to
14 $33\frac{1}{2}$ per centum of the total amount of non-Federal financial
15 support received by public broadcasting entities during the
16 fiscal year second preceding each such fiscal year; except
17 that the amount so appropriated shall not exceed \$88,000,000
18 for the fiscal year ending June 30, 1976; \$22,000,000 for
19 the period July 1, 1976, through September 30, 1976;
20 \$103,000,000 for the fiscal year ending September 30, 1977;
21 \$121,000,000 for the fiscal year ending September 30, 1978;
22 \$140,000,000 for the fiscal year ending September 30,
23 1979; and \$160,000,000 for the fiscal year ending Septem-
24 ber 30, 1980.

25 “(4) There are hereby appropriated to the Public

1 Broadcasting Fund, out of any moneys in the Treasury not
2 otherwise appropriated, for each of the fiscal years during
3 the period beginning July 1, 1975, and ending Septem-
4 ber 30, 1980, and for the period July 1, 1976, through Sep-
5 tember 30, 1976, such amounts as are authorized to be ap-
6 propriated by paragraph (3) of this subsection, which shall
7 remain available until expended. Such funds shall be used
8 solely for the expenses of the Corporation. The Corporation
9 shall determine the amount of non-Federal financial support
10 received by public broadcasting entities during each of the
11 fiscal years indicated in paragraph (3) of this subsection for
12 the purpose of determining the amount of each authorization,
13 and shall certify such amount to the Secretary of the Treas-
14 ury. Upon receipt of such certification, the Secretary of the
15 Treasury shall disburse from the Public Broadcasting Fund
16 the amount appropriated to the fund for each of the fiscal
17 years and for the period July 1, 1976, through Septem-
18 ber 30, 1976, pursuant to the provisions of this subsection.

19 “(5) The Corporation shall reserve for distribution
20 among the licensees and permittees of noncommercial edu-
21 cational broadcast stations that are on the air an amount
22 equal to not less than 40 per centum of the funds disbursed
23 to the Corporation from the Public Broadcasting Fund dur-
24 ing the period July 1, 1975, through September 30, 1976,
25 and in each fiscal year in which the amount disbursed is

1 \$88,000,000 or more, but less than \$121,000,000; not less
2 than 45 per centum in each fiscal year in which the amount
3 disbursed is \$121,000,000 or more, but less than \$160,000,-
4 000; and not less than 50 per centum in each fiscal year in
5 which the amount disbursed is \$160,000,000.

6 “(6) The Corporation shall, after consultation with
7 licensees and permittees of noncommercial educational broad-
8 cast stations that are on-the-air, establish, and review annu-
9 ally, criteria and conditions regarding the distribution of
10 funds reserved pursuant to paragraph (5) of this subsection,
11 as set forth below:

12 “(A) The total amount of funds shall be divided
13 into two portions, one to be distributed among radio sta-
14 tions, and one to be distributed among television sta-
15 tions. The Corporation shall make a basic grant from
16 the portion reserved for television stations to each
17 licensee and permittee of a noncommercial educational
18 television station that is on-the-air. The balance of the
19 portion reserved for television stations and the total por-
20 tion reserved for radio stations shall be distributed to
21 licensees and permittees of such stations in accordance
22 with eligibility criteria that promote the public interest
23 in noncommercial educational broadcasting, and on the
24 basis of a formula designed to—

25 “(i) provide for the financial need and require-

1 ments of stations in relation to the communities and
2 audiences such stations undertake to serve;

3 “ (ii) maintain existing, and stimulate new,
4 sources of non-Federal financial support for stations
5 by providing incentives for increases in such sup-
6 port; and

7 “ (iii) assure that each eligible licensee and per-
8 mittee of a noncommercial educational radio station
9 receives a basic grant.

10 “ (B) No distribution of funds pursuant to this sub-
11 section shall exceed, in any fiscal year, one-half of a
12 licensee’s or permittee’s total non-Federal financial sup-
13 port during the fiscal year second preceding the fiscal
14 year in which such distribution is made.

15 “ (7) Funds distributed pursuant to this subsection may
16 be used at the discretion of stations for purposes related to
17 the provision of educational television and radio program-
18 ing, including but not limited to the following: producing,
19 acquiring, broadcasting, or otherwise disseminating educa-
20 tional television or radio programs; procuring national or
21 regional program distribution services that make educational
22 television or radio programs available for broadcast or other
23 dissemination at times chosen by stations; acquiring, replac-
24 ing, and maintaining facilities, and real property used with
25 facilities, for the production, broadcast, or other dissemina-

1 tion of educational television and radio programs; developing
2 and using nonbroadcast communications technologies for
3 educational television or radio programming purposes.”.

4 SEC. 3. Subsection 396 (g) (2) (H) of the Communica-
5 tions Act of 1934 is amended by deleting the period after
6 the word “broadcasting” and inserting the following: “and
7 the use of nonbroadcast communications technologies for the
8 dissemination of educational television or radio programs.”.

9 SEC. 4. Subsection 396 (i) of the Communications Act
10 of 1934 is amended by inserting at the end thereof the fol-
11 lowing sentence: “The officers and directors of the Corpo-
12 ration shall be available to testify before appropriate
13 committees of the Congress with respect to such report, the
14 report of any audit made by the Comptroller General pur-
15 suant to subsection 396 (1), or any other matter which any
16 such committee may determine.”.

17 SEC. 5. Section 397 of the Communications Act of 1934
18 is amended by inserting, after paragraph (9), the fol-
19 lowing paragraphs:

20 “(10) The term ‘non-Federal financial support’ means
21 the total value of cash and the fair market value of property
22 and services (except for personal services of volunteers)
23 received—

24 “(A) as gifts, grants, bequests, donations, or other
25 contributions for the construction or operation of non-

1 commercial educational broadcast stations, or for the
2 production, acquisition, distribution, or dissemination of
3 educational television or radio programs, and related
4 activities, from any source other than (i) the United
5 States or any agency or establishment thereof, or (ii)
6 any public broadcasting entity; or

7 “(B) as gifts, grants, donations, contributions, or
8 payments from any State, any agency or political sub-
9 division of a State, or any educational institution, for the
10 construction or operation of noncommercial educational
11 broadcast stations or for the production, acquisition, dis-
12 tribution or dissemination of educational television or
13 radio programs, or payments in exchange for services or
14 materials respecting the provision of educational or in-
15 structional television or radio programs.

16 “(11) The term ‘public broadcasting entity’ means the
17 Corporation, any licensee or permittee of a noncommercial
18 educational broadcast station, or any nonprofit institution en-
19 gaged primarily in the production, acquisition, distribution or
20 dissemination of educational television and radio programs.”.

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A BILL

To amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting and for other purposes.

By Mr. MACDONALD of Massachusetts, Mr. MURPHY of New York, Mr. CARNEY, Mr. BYRON, Mr. WIRTH, Mr. BRODHEAD, Mr. FREY, and Mr. MADIGAN

APRIL 29, 1975

Referred to the Committee on Interstate and Foreign
Commerce

Union Calendar No. 196

94TH CONGRESS
1ST SESSION

H. R. 6461

[Report No. 94-245]

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1975

Mr. MACDONALD of Massachusetts (for himself, Mr. MURPHY of New York, Mr. CARNEY, Mr. BYRON, Mr. WIRTH, Mr. BRODHEAD, Mr. FREY, and Mr. MADIGAN) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

MAY 22, 1975

Reported with an amendment, referred to the Committee on Appropriations for a period ending not later than July 22, 1975, for consideration of such provisions of the bill as fall within the jurisdiction of that committee under rule X, clause 1 (b), and ordered to be printed

[Insert the part printed in italic]

JULY 22, 1975

Reported adversely, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

To amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, 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 That this Act may be cited as the "Public Broadcasting
4 Financing Act of 1975".

5 SEC. 2. Subsection 396 (k) of the Communications Act

1 of 1934 is amended by inserting, after paragraph (2), the
2 following paragraphs:

3 “(3) There is hereby established in the Treasury a fund
4 which shall be known as the ‘Public Broadcasting Fund,’
5 administered by the Secretary of the Treasury. There are
6 authorized to be appropriated to such fund for each of the
7 fiscal years during the period beginning July 1, 1975, and
8 ending September 30, 1978, an amount equal to 40 per
9 centum of the total amount of non-Federal financial support
10 received by public broadcasting entities during the fiscal year
11 second preceding each such fiscal year, for the period July 1,
12 1976, through September 30, 1976, an amount equal to 10
13 per centum of the total amount of non-Federal financial sup-
14 port received by public broadcasting entities during the fiscal
15 year ending June 30, 1975, and for each of the two fiscal
16 years ending during the period beginning October 1, 1978,
17 and ending September 30, 1980, an amount equal to $33\frac{1}{3}$
18 per centum of the total amount of non-Federal financial
19 support received by public broadcasting entities during the
20 fiscal year second preceding each such fiscal year; except
21 that the amount so appropriated shall not exceed \$88,000,-
22 000 for the fiscal year ending June 30, 1976; \$22,000,000
23 for the period July 1, 1976, through September 30, 1976;
24 \$103,000,000 for the fiscal year ending September 30,
25 1977; \$121,000,000 for the fiscal year ending Septem-
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4 Broadcasting Fund, out of any moneys in the Treasury not
5 otherwise appropriated, for each of the fiscal years during
6 the period beginning July 1, 1975, and ending Septem-
7 ber 30, 1980, and for the period July 1, 1976, through Sep-
8 tember 30, 1976, such amounts as are authorized to be
9 appropriated by paragraph (3) of this subsection, which
10 shall remain available until expended, *and a significant*
11 *portion of such funds, including those funds distributed pur-*
12 *suant to paragraph (5) of this subsection, shall be utilized*
13 *for the development and dissemination of instructional pro-*
14 *graming.* Such funds shall be used solely for the expenses of
15 the Corporation. The Corporation shall determine the amount
16 of non-Federal financial support received by public broad-
17 casting entities during each of the fiscal years indicated in
18 paragraph (3) of this subsection for the purpose of deter-
19 mining the amount of each authorization, and shall certify
20 such amount to the Secretary of the Treasury. Upon receipt
21 of such certification, the Secretary of the Treasury shall dis-
22 burse from the Public Broadcasting Fund the amount appro-
23 priated to the fund for each of the fiscal years and for the
24 period July 1, 1976, through September 30, 1976, pursuant
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7 ments of stations in relation to the communities and
8 audiences such stations undertake to serve;

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10 sources of non-Federal financial support for stations
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14 permittee of a noncommercial educational radio
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23 the provision of educational television and radio program-
24 ing, including but not limited to the following: producing,
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1 tional television or radio programs; procuring national or
2 regional program distribution services that make educational
3 television or radio programs available for broadcast or other
4 dissemination at times chosen by stations; acquiring, replac-
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7 production, acquisition, distribution, or dissemination of
8 educational television or radio programs, and related ac-
9 tivities, from any source other than (i) the United
10 States or any agency or establishment thereof, or (ii)
11 any public broadcasting entity; or

12 “(B) as gifts, grants, donations, contributions, or
13 payments from any State, any agency or political sub-
14 division of a State, or any educational institution, for the
15 construction or operation of noncommercial educational
16 broadcast stations or for the production, acquisition, dis-
17 tribution or dissemination of educational television or
18 radio programs, or payments in exchange for services or
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