

Mr. McDADE. I do, Mr. Speaker.

Mr. Speaker, this amendment was adopted with only 3 negative votes in the conference.

Mr. Speaker, I rise in opposition to the point of order. Under the precedents, when a motion is made to recede and concur in an amendment of the Senate with a further amendment, the only test is whether the proposed amendment is germane to the Senate amendment reported in disagreement.

This amendment is germane to the Senate amendment. Both the Senate amendment, and the amendment in the motion, constitute permanent law, since they both contain the phrase "Notwithstanding any other provision of law."

Both of the amendments deal with the same subject, that is, the census. Both deal with the question of who shall be included in the census.

The amendment is germane, and the point of order should be overruled.

□ 0120

Mr. ROSENTHAL. Mr. Speaker—

The SPEAKER. The Chair is ready to rule. Does the gentleman still wish to be heard?

Mr. ROSENTHAL. Under those circumstances, no.

The SPEAKER. The gentleman from New York makes the point of order that the amendment contained in the motion offered by the gentleman from Mississippi (Mr. WHITTEN) is not germane to the Senate amendment No. 35. Under the precedents as cited in Deschlers' Procedure, chapter 28, section 21, when a Senate amendment reported in disagreement by conferees is under consideration, a proposal to amend must be germane to the Senate amendment.

Senate amendment No. 35 provides that the President may order a special census to be taken if he determines that a State or local unit of government is significantly impacted by a major population change due to a large number of legal aliens within 6 months of a regular decennial census, and that such census in those areas when conducted would be designated as the official census under all applicable law.

The proposed amendment to the Senate amendment, in addition to a slight modification of the Senate language, contains, the addition requirement that representation in Congress to which each State would be entitled under the 20th Decennial Census shall be determined only on the basis of the number of persons in each State who are U.S. citizens. In the opinion of the Chair, the proposed amendment represents a significant broadening of the issue presented by the Senate amendment No. 35, as it addresses not only those areas impacted by legal immigrants within 6 months of a general census, but attempts to legislate on the issue of whether legal and illegal aliens in all areas of the United States should be counted for reapportionment of the House of Representatives. The Chair sustains the point of order.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a substitute motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 118. Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code, or other method of obtaining a revised estimate of the population of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. If the President decides to conduct a special census, it may be conducted solely at Federal expense.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: Page 12, after line 4, insert:

Sec. 122. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which must be approved by the General Services Administration in coordination with the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment: and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 119. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which shall be coordinated with the General Services Administration and the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 12, after line 4, insert:

Sec. 128. For the purposes of Public Law 96-304 and Public Law 96-126 relating only to cooperative agreements and feasibility studies, the term "alternative fuels" as defined in Public Law 96-126, includes gaseous, liquid, or solid fuels and chemical feedstocks derived from heavy oil resources which cannot technically or economically be produced under applicable price and tax policy using conventional crude oil recovery and refining techniques, and innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 121. Notwithstanding any other provision of this joint resolution, for the purposes of Public Law 96-304 and Public Law 96-126 relating only to cooperative agreements and feasibility studies, the term "alternative fuels" as defined in Public Law 96-126, includes gaseous, liquid, or solid fuels and chemical feedstocks derived from heavy oil resources which cannot technically or economically be produced under applicable price and tax policy using conventional crude oil recovery and refining techniques, and innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production: *Provided*, That obligations for energy feasibility studies and cooperative agreements for direct combustion, except for direct combustion of urban waste, shall not exceed \$30,000,000, to be derived from the \$300,000,000 appropriated for energy feasibility studies and cooperative agreements in Public Law 96-304: *Provided further*, That funding made available in the Energy Security Reserve account in Public Law 96-304 shall not exceed \$17,522,000,000 when used for the purposes authorized under Title I of the Energy Security Act (Public Law 96-294) and shall not exceed \$1,270,000,000 when used for the purposes authorized under Title II of such Act: *Provided further*, That funds obligated for biomass energy feasibility studies and cooperative agreements under the Alternative Fuels Production account in Public Law 96-304 shall apply to the Title II limitation, and

all other funds obligated for such studies and agreements shall apply to the Title I limitation: *Provided further*, That of the \$1,500,000,000 made available for "alternative fuels production" in Public Law 96-126 for purchase commitments and price guarantees, up to \$500,000,000 shall be available instead to supplement the default reserve for loan guarantees established by such law: *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under the supplemented reserve shall not exceed the aggregate of up to \$3,000,000,000.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions were laid on the table.

**AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS, NOTWITHSTANDING ADJOURNMENT OF THE HOUSE UNTIL WEDNESDAY, OCTOBER 1, 1980**

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Wednesday, October 1, 1980, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the majority leader could tell us, if this authority is granted, what the program will be for the remainder of this evening, which is October 1.

Mr. WRIGHT. I expect the hope would be that the other body would act favorably upon those things that we have authorized and approved here in the House, and that we might wait for a brief time to see if that is taking place, during which time we could proceed with a few more of the suspensions.

If it should reach the point where it is apparent to us that we have arrived at loggerheads, then we would repair to our residences for the evening and reassemble tomorrow.

Mr. BAUMAN. Does the gentleman have any definition of a decent time? At this hour, almost all time may be considered indecent.

Mr. WRIGHT. Two o'clock or thereabouts. I am not going to establish a specific time at this moment because I think there needs to be a certain amount of flexibility to permit the exercise of human judgment, but I am not at all sure that we are operating at the moment at a decent hour, even.

Mr. BAUMAN. I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman tell us when we might expect the adjournment resolution? Will it be Wednesday or Thursday?

Mr. WRIGHT. I believe Thursday.

The SPEAKER. The Chair will answer that. It is agreed that when the Senate has completed its business on the continuing resolution, at that time they would take it up and it would come to us. But, we plan a Thursday session.

Mr. ROUSSELOT. I thank the Speaker, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RHODES. Reserving the right to object, Mr. Speaker, could I have clarification on the statement the Chair just made as to when the House would take up the recess resolution? The Senate has already acted on the resolution, I am told.

The SPEAKER. When the Senate completes its business we understand it is going to be sent to us. At that time we will take the matter up.

Mr. RHODES. Will that be tonight?

The SPEAKER. No, not tonight.

Mr. RHODES. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

**REPEAL OF LEA ACT**

Mr. MOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4892) to repeal section 506 of the Communications Act of 1934, as amended.

The Clerk read as follows:

H.R. 4892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by striking out section 506, and by redesignating section 507 through section 509 as section 508 through section 508, respectively.

Sec. 2. (a) Section 317(b) of the Communications Act of 1934 (47 U.S.C. 317(b)) is amended by striking out "section 508" and inserting in lieu thereof "section 507".

(b) Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended—

(1) by striking out "509(a)" and inserting in lieu thereof "508(a)"; and

(2) by striking out "section 507" and inserting in lieu thereof "section 506".

(c) Section 504(b) of the Communications Act of 1934 (47 U.S.C. 504(b)) is amended by striking out "507" and inserting in lieu thereof "506".

The SPEAKER. Under the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. MOTT) will be recognized for 20 minutes, and the gentleman from Texas (Mr. COLLINS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. MOTT).

Mr. MOTT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOTT asked and was given permission to revise and extend his remarks.)

Mr. MOTT. Mr. Speaker, H.R. 4892 would repeal section 506 of the Communications Act, commonly known as the Lea Act, and also as the Anti-Petrillo Act.

The Lea Act was intended to strip musicians of the right to bargain on employment matters with the broadcasting industry. It achieves this end by making it criminal for musicians to engage in activities that even include, according to one court ruling, nonviolent picketing of broadcasters.

Passed by Congress in 1946, the Lea Act was directed primarily at the activities of James C. Petrillo, then president of the American Federation of Musicians. At that time, there was considerable tension between musicians and the broadcasting industry, because of the industry's increasing reliance on recorded music rather than live studio bands.

Whatever the need may have been for this punitive piece of legislation that criminalizes free expression by one labor group, there is certainly no need for the Lea Act today. I would note that the Justice Department has undertaken no prosecutions for Lea Act violations in recent times.

Since enactment of the Lea Act, the Congress has adopted legislation providing for comprehensive regulation of labor practices under the Taft-Hartley Act. Extortion is now prohibited by the Hobbs Act and other antiracketeering statutes.

So today we find that a labor practice such as picketing that would be completely legal and proper under the Taft-Hartley Act could be subject to criminal prosecution under the Lea Act if the activity happens to be directed at a licensed broadcaster.

Mr. Speaker, in reporting out this bill to repeal the Lea Act, the Committee on Interstate and Foreign Commerce agreed that the Communications Act of 1934 is no place for this antiquated piece of legislation that makes musicians second-class labor in this country.

In no sense would repeal of the Lea Act turn back the clock and force broadcasters to hire studio bands.

What repeal would do is finally assure musicians in this country that they enjoy the same freedom as other workers—the freedom to raise musician employment with broadcasters for discussion, negotiation and public expression without facing threats of Federal criminal prosecution.

The committee has determined that the Lea Act is inconsistent with national labor policy, and also appears to have anticompetitive effects in the broadcasting industry.

Supporting repeal, the AFL-CIO has called the Lea Act an unfair denial of the right to bargain collectively.

Mr. Speaker, the legislation before us was introduced by our late friend and colleague, the honorable John Slack of West Virginia. John saw an injustice here, and tried to correct it. It would honor his memory today for the House to finish the work on this issue that John started.

Lending his considerable prestige and support to the Lea Act repeal has been our distinguished chairman, HARLEY STAGGERS. The next Congress will be diminished by the loss of Chairman

STAGGERS, who has led the Committee on Interstate and Foreign Commerce with vision and fairness. It would be a fitting tribute to the chairman as well as to John Slack for the House to suspend the rules and pass H.R. 4892, repealing this piece of outdated, antilabor legislation.

□ 0130

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. MATSUI).

(Mr. MATSUI asked and was given permission to revise and extend his remarks.)

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to commend the gentleman from Ohio (Mr. MOTTLE) for bringing this matter before the Subcommittee on Communications and the full Committee on Interstate and Foreign Commerce. I would also like to commend the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS), for his outstanding job in this effort.

Mr. Speaker, I rise in support of H.R. 4892, legislation repealing the Lea Act.

The Lea Act, or section 506 of the Communications Act, represents nothing more than an outdated aberration of Federal labor policy. It places unjust restrictions on the legitimate, and otherwise lawful, labor practices of this country's musicians and actors. It deserves to be repealed.

The Lea Act was originally passed in 1946 to protect broadcasters from coercive employment demands. The act provides that it is unlawful by the use of force, violence, intimidation, or duress, or by the use of other means to coerce, compel or constrain an FCC licensee: To employ or agree to employ any person in excess of the number of employers needed to perform actual services; to pay for preparing or using recordings in broadcasts, or to accede to any restriction in the use of recordings or programs in the production of broadcasts. I want to emphasize the ambiguity in the language "the use of any other means." For this overly broad and unclear standard which defines criminal conduct.

The Lea Act has been construed by the courts to make activity that is lawful under the Taft-Hartley Act, if the employer is not an FCC licensee, criminal if the employer is an FCC licensee. This discriminatory standard has impaired the right of musicians and actors to engage in labor negotiations to obtain the legal goals of job security, fair wages, and recognition. This cannot be tolerated in 1980. Moreover the statute has had a significant chilling effect on musicians' and actors' freedom of expression. The courts have held that the picketing of an FCC licensee's place of business by a musicians' union violates the Lea Act and is thereby illegal.

The Lea Act is unnecessary for the protection of broadcasters. Any labor activity seeking to create featherbedding is unlawful under the Taft-Hartley Act. Extortion is prohibited by the Hobbs Act. Antiracketeering statutes protect against coercion. In fact, since the passage of the act the FCC has no record

of action taken pursuant to the section. In the last 5 years, the Justice Department has conducted only four criminal investigations under the statute, with prosecution being denied in each instance.

The Lea Act is a labor law and a discriminatory labor law in that. It has no place in Federal communication legislation. It is time to strike this antiquated anomaly from the codes.

H.R. 4892 is a testament to the unflinching commitment of two dedicated West Virginians, the Honorable HARLEY O. STAGGERS and the late Congressman John M. Slack, to restore fundamental equality in labor negotiation for this Nation's musicians and actors. Today, we have the opportunity to join these gentlemen in this most worthwhile campaign. Today, we have the opportunity to grant to musicians and actors the right to be regulated, like all other laborers, by the Taft-Hartley Law. I ask for your support in this effort. I ask for your support of H.R. 4892.

Mr. MOTTLE. Mr. Speaker, I certainly appreciate the contribution of the gentleman from California (Mr. MATSUI).

Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. AKAKA).

(Mr. AKAKA asked and was given permission to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise in strong support of this bill. Passage of this bill will guarantee repeal of the Lea Act, which, although never used, should have been repealed years ago. The Lea Act effectively prohibits musicians from peaceful picketing or withholding their services in order to obtain job security, fair wages, or union recognition.

As a musician, I understand full well the oppressive aspects of this law. As well as taking away rights from musicians which members of other unions enjoy, this bill also sets criminal penalties for violation of its provisions. Thus, not only is the Lea Act discriminatory, but it is also punitively discriminatory.

In short, the Lea Act prohibits a whole class of workers in one industry the right to engage in acts which are legal for workers in other industries.

Thus, for the musicians trade, methods of securing the legitimate goals of any worker are illegal and further subject to penalties. I strongly oppose the Lea Act, and therefore heartily support this bill. The time has come to repeal the Lea Act.

Mr. MOTTLE. Mr. Speaker, I certainly thank the gentleman from Hawaii (Mr. AKAKA) for his contribution.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada (Mr. SANTINI).

Mr. SANTINI. Mr. Speaker, I wish to commend my good friend and fellow committee member, the gentleman from Ohio (Mr. MOTTLE), for taking a leadership role in this important rectification of a long-standing inequity in law. This legislative proposal passed our Committee on Interstate and Foreign Commerce unanimously. I hope it passes this body with the same fervor and enthusiasm.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. MOTTLE. Mr. Speaker, I thank the gentleman from Nevada (Mr. SANTINI).

Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from Ohio (Mr. MOTTLE) for yielding this time to me.

Mr. Speaker, we have a unique opportunity today, to pass a bill that repeals a long outdated law, and at the same time, pay tribute to a colleague of ours who throughout his career was a strong advocate for working men and women. The bill is H.R. 4892, that repeals the Lea Act, a law that is truly inconsistent with our national labor policy; and the man is John Slack, who introduced H.R. 4892, before his death.

I am proud to have joined Congressman Slack as a cosponsor of this legislation, and would like to commend the gentleman from Ohio (Mr. MOTTLE) for his support of this measure, as well as the dean of the West Virginia delegation in this body and the distinguished chairman of the Interstate and Foreign Commerce Committee, HARLEY STAGGERS for tireless efforts on behalf of this measure.

Last week, a provision to repeal the Lea Act was contained in the bill, H.R. 6228, the Communications Crossownership Act. Due to some controversy surrounding the licensing of a VHF television station for New Jersey, Delaware, and the District of Columbia, the bill was rejected under suspension. Today, however, we have the opportunity to deal with these two issues separately, and I urge my colleagues to support H.R. 4892.

I would again like to stress, Mr. Speaker, that as an individual whose family has long been involved in the broadcasting industry, and as a broadcaster myself, my support of this bill is based on the principal that musicians have the right, as workers, to exercise their rights in negotiations with broadcast stations. No longer can we allow the Lea Act to deprive musicians, as union members, as citizens, as individuals, and as Americans the right of job security, fair wages, and dignity.

I commend the American Federation of Musicians for their constant attempts to see this repeal approved, and in particular like to thank Mr. Ned Guthrie, president of the Charleston, W. Va., Musicians Union for his tireless efforts.

Musicians in the State of West Virginia and throughout the Nation have long suffered from this injustice, and the time is now to rectify over 40 years of unfairness.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from West Virginia.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the gentleman well knows, my predecessor and our former colleague, John Slack of West Virginia, was the original sponsor of this bill.

Along with the gentleman from West Virginia (Mr. RAHALL), I wish to add my support of the bill, and a congratulate the gentleman from Ohio (Mr. MOTT) for bringing it to us.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for his remarks.

Mr. MOTT. Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Ohio (Mr. MOTT) in advocating the passage of this bill.

History shows that the FCC has found no record of any actions taken by it pursuant to this section. This section 506 was passed in 1946, and they have had no action taken under it.

The Justice Department in turn reported that it has had four criminal investigations, but prosecutions have been denied in each instance. So the bill takes care of removing an archaic and antiquated section that serves no need in our present legislative structure.

It must also be emphasized that the Taft-Hartley law completely covers any provisions in this area that need to be covered, and, therefore, we would do well to knock out what is called the Lea Act.

Mr. Speaker, I commend the gentleman from Ohio (Mr. MOTT) for the action he has taken.

Mr. MOTT. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Ohio (Mr. MOTT) that the House suspend the rules and pass the bill, H.R. 4892, as amended. The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. MOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4892, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### COMMUNICATIONS CROSS-OWNERSHIP ACT OF 1980

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6228) to amend the Communications Act of 1934 to provide that the Federal Communications Commission, in considering applications for the renewal of broadcasting station licenses, shall not take into account any ownership interests of

the applicant in other broadcasting stations or in other communications media, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6228

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Communications Cross-Ownership Act of 1980".

SEC. 2. Section 309(a) of the Communications Act of 1934 is amended by inserting "(1)" after "Sec. 309. (a)" and by adding at the end thereof the following new paragraphs:

"(2)(A) The Commission shall not grant any initial application for, or any initial acquisition of, a commercial broadcasting station license to any applicant if—

"(1) such applicant, at the time application is made to the Commission, owns, controls, or operates any daily newspaper; and

"(ii) the station signal of the commercial broadcasting station for which such license is sought will encompass the entire community in which such daily newspaper is published.

"(B) (1) If any person who owns, controls, or operates a commercial broadcasting station which is licensed by the Commission subsequently owns, controls, or operates a daily newspaper, and the station signal of such commercial broadcasting station encompasses the entire community in which such daily newspaper is published, then such person shall transfer, assign, or otherwise dispose of such license in accordance with section 310(d), or shall transfer, assign, or otherwise dispose of any interest in such daily newspaper, not later than—

"(3) the date on which such license is due to expire; or

"(II) the end of the 1-year period following the date such person purchases, or obtains any interest in, such daily newspaper, if the end of such 1-year period occurs after the date of the expiration of such license and if the Commission defers action on any renewal application for such license in accordance with clause (1).

"(ii) If the end of such 1-year period occurs after the date of the expiration of such license, then the Commission may defer action on any renewal application with respect to such license until the end of such 1-year period, if the Commission considers such deferral to be necessary for purposes of permitting the person who owns, controls, or operates the commercial broadcasting station involved to carry out the transfer, assignment, or other disposal of such license, or of any interest in the daily newspaper involved, in accordance with this subparagraph.

"(C) (1) Except as provided in clause (ii), the Commission shall not renew any commercial broadcasting station license for a term which is due to end after June 1, 1980, if the licensee involved—

"(I) owns, controls, or operates the only commercial aural broadcasting station or stations which encompass the entire community required to be served under the license with a city-grade signal during daytime hours, or the only commercial television broadcasting station or stations which encompass the entire community required to be served under the license with a city-grade signal; and

"(II) owns, controls, or operates the only daily newspaper which is published in such community.

"(ii) The provisions of clause (1) shall not apply to a commercial aural broadcasting station licensee if—

"(I) a commercial television broadcasting station is licensed to serve the community which is served by the commercial aural broadcasting station involved; and

"(II) such commercial television broadcasting station is not owned, controlled, or operated by such commercial aural broadcasting station licensee.

"(D) (1) Any licensee (other than a person subject to subparagraph (C) (1) who, on the effective date of this paragraph—

"(I) owns, controls, or operates a daily newspaper; and

"(II) is the licensee of a commercial broadcasting station which has a station signal which encompasses the entire community in which such newspaper is published;

shall be eligible to apply for renewal of such license and shall not be required to relinquish ownership or control of such broadcasting station or such newspaper.

"(ii) Except as provided in clause (iii), no licensee specified in clause (1) may transfer, assign, or otherwise dispose of—

"(I) the commercial broadcasting station license held by such licensee; and

"(II) ownership of, or any interest in, the daily newspaper specified in clause (1) (I); to the same person.

"(iii) The requirements of clause (ii) shall not apply to any transfer, assignment, or disposal of a commercial broadcasting station license—

"(I) if such transfer, assignment, or disposal is made in connection with the disposition of the estate of any individual, and would not result in any new encompassment of communities prohibited in subparagraph (A) or subparagraph (B) as to commonly owned, operated, or controlled broadcasting stations and daily newspapers; or

"(II) if such transfer, assignment, or disposal constitutes a technical change in ownership or control resulting from any corporate reorganization affecting the licensee, the bankruptcy of the licensee, or any other transaction which does not affect significantly the ownership or control of such commercial broadcasting station.

"(E) The Commission shall have authority to waive (either temporarily or permanently) any requirement established in this paragraph if an applicant for a commercial broadcasting station license demonstrates to the Commission that such waiver is necessary to serve the public interest, convenience, or necessity.

"(3) In any case in which the Commission is considering an application for the renewal of a commercial broadcasting station license, the Commission shall not have any authority to consider or otherwise take into account—

"(A) any ownership interest which is held by the renewal applicant involved in any other broadcasting station or in any non-broadcasting communications medium, except that the Commission may take into account any violation of this Act or any violation of any rule prescribed by the Commission under this Act; or

"(B) the extent to which any owner of the station involved participates in the day-to-day administration and operation of the commercial broadcasting station involved, except that the Commission may take into account any violation of this Act or of any rule of the Commission which occurs in connection with the administration or operation of such commercial broadcasting station.

"(4) The provisions of this subsection shall not be construed to affect in any manner the applicability or enforcement of the Federal antitrust laws.

"(5) For purposes of this subsection:

"(A) The term 'city-grade signal' means—

"(1) with respect to an amplitude modulation commercial broadcasting station, the 5 millivolt per meter contour, as specified in section 73.24(j) of title 47, Code of Federal Regulations (as in effect on the effective date of this paragraph);

"(ii) with respect to a frequency modulation commercial broadcasting station, the 3.16 millivolt per meter contour, as specified