

112TH CONGRESS  
1ST SESSION

# H. R. 1076

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IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To prohibit Federal funding of National Public Radio and  
the use of Federal funds to acquire radio content.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITION ON FEDERAL FUNDING OF NA-**  
2 **TIONAL PUBLIC RADIO AND RADIO CONTENT**  
3 **ACQUISITION.**

4 (a) IN GENERAL.—No Federal funds may be made  
5 available—

6 (1) to an organization that is incorporated as of  
7 the date of the enactment of this Act for each of the  
8 purposes described in subsection (c), or to any suc-  
9 cessor organization;

10 (2) for payment of dues to an organization de-  
11 scribed in paragraph (1); or

12 (3) for the acquisition of radio programs (in-  
13 cluding programs to be distributed or disseminated  
14 over the Internet) by or for the use of a radio broad-  
15 cast station that is a public broadcast station (as de-  
16 fined in section 397(6) of the Communications Act  
17 of 1934 (47 U.S.C. 397(6))).

18 (b) RULES OF CONSTRUCTION.—

19 (1) OTHER PURPOSES.—Paragraphs (2) and  
20 (3) of subsection (a) shall not be construed to pro-  
21 hibit the making available of Federal funds to any  
22 entity, including an entity that engages in the pay-  
23 ment described in such paragraph (2) or the acquisi-  
24 tion described in such paragraph (3), for purposes  
25 other than such payment or acquisition.

1           (2) RADIO CONTENT ACQUISITION BY BROAD-  
2           CASTING BOARD OF GOVERNORS OR DEFENSE MEDIA  
3           ACTIVITY.—Subsection (a)(3) shall not be construed  
4           to apply to the acquisition of radio programs by the  
5           Broadcasting Board of Governors or the Defense  
6           Media Activity.

7           (c) PURPOSES DESCRIBED.—The purposes described  
8           in this subsection are the following:

9           (1) To propose, plan and develop, to acquire,  
10          purchase and lease, to prepare, produce and record,  
11          and to distribute, license and otherwise make avail-  
12          able radio programs to be broadcast over non-  
13          commercial educational radio broadcast stations,  
14          networks and systems.

15          (2) To engage in research study activities with  
16          respect to noncommercial educational radio pro-  
17          gramming and broadcasting.

18          (3) To lease, purchase, acquire and own, to  
19          order, have, use and contract for, and to otherwise  
20          obtain, arrange for and provide technical equipment  
21          and facilities for the production, recording and dis-  
22          tribution of radio programs for broadcast over non-  
23          commercial educational radio stations, networks and  
24          systems.

1           (4) To establish and maintain one or more serv-  
2           ice or services for the production, duplication, pro-  
3           motion and circulation of radio programs on tape,  
4           cassettes, records or any other means or mechanism  
5           suitable for noncommercial educational transmission  
6           and broadcast thereof.

7           (5) To cooperate and participate with foreign  
8           broadcasting systems and networks in all aspects of  
9           international radio programming and broadcasting.

10          (6) To develop, prepare and publish informa-  
11          tion, data, reports and other materials in support of  
12          or relating to noncommercial educational radio pro-  
13          gramming and broadcasting.

14          (7) To otherwise forward and advance the de-  
15          velopment, production, distribution and use of non-  
16          commercial educational radio programs, materials  
17          and services, and to assist and support noncommer-  
18          cial educational radio broadcasting pursuant to the  
19          Public Broadcasting Act of 1967, as it may from  
20          time to time be amended.

21          (d) FEDERAL FUNDS DEFINED.—

22                 (1) IN GENERAL.—In this section, the term  
23                 “Federal funds” means, with respect to receipt by a  
24                 non-Federal entity from the Federal Government,  
25                 the following:

- 1 (A) Grants.
- 2 (B) Loans.
- 3 (C) Property.
- 4 (D) Cooperative agreements.
- 5 (E) Direct appropriations.

6 (2) GRANTS OR SUBGRANTS FROM NON-FED-  
7 ERAL ENTITY.—Such term also includes grants or  
8 subgrants from Federal funds made available to a  
9 non-Federal entity.

10 (e) CHANGES TO FUNDING FORMULA.—Section  
11 396(k)(3)(A) of the Communications Act of 1934 (47  
12 U.S.C. 396(k)(3)(A)) is amended—

13 (1) in clause (iii), by striking “fiscal year” and  
14 all that follows and inserting “fiscal year, such  
15 amounts shall be available for distribution among  
16 the licensees and permittees of public radio stations  
17 pursuant to paragraph (6)(B).”; and

18 (2) in clause (v)(II), by striking “clause (ii)(II)  
19 and (III)” and inserting “clause (iii)”.

20 (f) CONFORMING AMENDMENTS.—Section 396 of the  
21 Communications Act of 1934 (47 U.S.C. 396) is amend-  
22 ed—

23 (1) in subsection (g)(2)—

24 (A) in the matter before clause (i) of sub-  
25 paragraph (B), by inserting “(except for the ac-

1           quisition of radio programs)” after “public tele-  
2           communications services”; and

3           (B) in subparagraph (C), by inserting  
4           “(except for the acquisition of radio programs)”  
5           after “public telecommunications services”;

6           (2) in subsection (k)—

7           (A) in the 1st sentence of paragraph

8           (3)(B)(i)—

9           (i) by striking “and subparagraph  
10           (A)(iii)(II)”;

11           (ii) by striking “or radio”;

12           (B) in the 3rd sentence of paragraph  
13           (6)(B), by striking “paragraph (3)(A)(iii)(I)”  
14           and inserting “paragraph (3)(A)(iii)”;

15           (C) in paragraph (7)—

16           (i) by striking “(iii)(I)” and inserting  
17           “(iii)”;

18           (ii) by inserting “(except for the ac-  
19           quisition of radio programming)” before  
20           the period at the end; and

21           (3) in subsection (l)(4)—

22           (A) in the matter before clause (i) of sub-  
23           paragraph (B), by striking “(iii)(II)” and in-  
24           serting “(iii)”;

1 (B) in subparagraph (C), by striking “sub-  
2 section (k)(3)(A)(iii)(III)” and inserting “sub-  
3 section (k)(3)(A)(iii)”;

4 (C) in subparagraph (D), by striking “sub-  
5 section (k)(3)(A) (ii)(III) or (iii)(II)” and in-  
6 serting “subsection (k)(3)(A)(ii)(II) or sub-  
7 section (k)(3)(A)(iii)”.

Passed the House of Representatives March 17,  
2011.

Attest:

KAREN L. HAAS,

*Clerk.*