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PUBLIC TELECOMMUNICATIONS ACT OF 1992

AN ACT To authorize appropriations for public broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. [47 U.S.C. 609 nt] This Act may be cited as the "Public Telecommunications Act of 1992". [1]

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[Sections 2 through 4 contained amendments to sections 391, 393, and 396 of the Communications Act of 1934.]

BOARD OF DIRECTORS

SEC. 5. * * *

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[Section 5(a) and (b) contained amendments to section 396(c) of the Communications Act of 1934 relating to number of members and terms of office of the board of directors of the Corporation for Public Broadcasting.]

(c) [47 U.S.C. 396 nt] TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

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[1] Public Law 102–356, 106 Stat. 949, approved Aug. 26, 1992.

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[Sections 6 through 14 contained amendments to section 396 of the Communications Act of 1934.]

CLARIFICATION OF CONGRESSIONAL INTENT

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[Section 15 contained an amendment to section 103(a) of the Children's Television Act of 1990, which is printed elsewhere in this compilation.]

BROADCASTING OF INDECENT PROGRAMMING

SEC. 16. [47 U.S.C. 303 nt] (a) FCC REGULATIONS.—The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act.

(b) REPEAL.—Section 608 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100–459; 102 Stat. 2228), is repealed.

READY-TO-LEARN TELEVISION CHANNEL

SEC. 17. (a) The Congress finds that—

(1) many of the Nation's children are not entering school "ready to learn";

(2) next to parents and early childhood teachers, television is probably the young child's most influential teacher;

(3) a vital component in meeting the Nation's first education goal is the development of interactive programming aimed exclusively at the developmental and educational needs and interests of preschool children;

(4) television can assist parents and preschool and child care teachers in gaining information on how young children grow and learn; and

(5) there is a need for quality interactive instructional programming based on worthwhile information on child development designed for children, parents, and preschool and child care providers and teachers.

(b) Within 90 days following the date of the enactment of this Act, the Corporation for Public Broadcasting shall report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel. Such report shall include, among other things—

(1) the costs of establishing and implementing a ready-to-learn channel;

(2) the special considerations of using television as a learning tool for very young children;

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(3) the technology, and availability thereof, needed to establish and implement such a channel; and

(4) the best means of providing financing for the establishment and implementation of a ready-to-learn channel.

CORPORATION FOR PUBLIC BROADCASTING REPORT ON DISTANCE LEARNING

SEC. 18. (a) The Congress finds that—

(1) distance learning would provide schools in rural areas with advanced or specialized instruction not readily available;

(2) utilization of distance learning can end some school closings or consolidations;

(3) distance learning will play a vital role in accomplishing the goals of "America 2000" as established by the President;

(4) the Corporation for Public Broadcasting should promote distance learning projects where it is cost effective; and

(5) the Corporation for Public Broadcasting can promote distance learning by helping reduce the costs associated with telecommunications services.

(b) Within 180 days following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with other education program providers and users, shall report to the Congress as to the most effective use of their existing telecommunications facilities to establish and implement distance learning projects in rural areas. Such report should include, among other things, the costs and benefits of establishing national demonstration sites to study new distance learning tools and to evaluate the most effective use of current distance learning applications; any incentives necessary to provide access to Corporation for Public Broadcasting facilities for distance learning applications.

OBJECTIVITY AND BALANCE POLICY, PROCEDURES, AND REPORT

SEC. 19. [47 U.S.C. 396 nt] Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications Act of 1934 (47 U.S.C. 396(g)(1)(A)) to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature, the Board of Directors of the Corporation shall—

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to—

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

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(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1993, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

CONSUMER INFORMATION

SEC. 20. [47 U.S.C. 396 nt] Prior to the expiration of the 90-day period following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public Broadcasting is partially funded from Federal tax revenues.

INDEPENDENT PRODUCTION SERVICE FUNDING

SEC. 21. [47 U.S.C. 396 nt] In making available funding pursuant to authorizations under this Act, any independent production service established under section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) shall, to the maximum extent practicable and consistent with the provisions of the Communications Act of 1934, provide such funding to eligible recipients and projects representing the widest possible geographic distribution, with the objective of providing funding to eligible recipients and projects in each State from which qualified proposals are received over the course of such authorizations.

EFFECTIVE DATE

SEC. 22. [47 U.S.C. 396 nt] Section 5(a) shall take effect on January 31, 1996. All other provisions of this Act are effective on its date of enactment.

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CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

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