

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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February 9, 2026

The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairman Carr:

I am deeply concerned about your efforts to eliminate all media ownership restrictions, including one that you have no authority to change.¹ I would like to remind you that you do not have the authority to alter or eliminate the 39 percent national television ownership cap.² The limit on how much of the national television audience any one broadcast station ownership group is allowed to reach is enshrined in law, and therefore cannot be changed without congressional action.³ The actions you are considering are not only unlawful, but they would also lead to unprecedented media consolidation both in local markets and at a national scale, benefiting only the largest station owners. This would all come at the expense of competition, localism, and diversity of voices in broadcasting.

For decades, the Federal Communications Commission (FCC) has implemented the congressionally recognized need to maintain a diverse, locally oriented broadcast environment by maintaining necessary limits on the number of broadcast outlets any one entity can own or control in a local market. Nonetheless, you have indicated that you will be eliminating what few ownership limits that currently remain to supposedly help local broadcasters invest in local programming. Documented evidence demonstrates that past deregulation efforts have actually reduced competition, localism, and diversity of viewpoints, and common sense would suggest that your efforts to remove the current ownership limits would have the opposite of your intended effect.⁴ Specifically, it is apparent that eliminating the local ownership restrictions will

¹ Federal Communications Commission, *2022 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 90 Fed. Reg. 51291 (Nov. 17, 2025) (notice of proposed rulemaking).

² Federal Communications Commission, *Media Bureau Seeks to Refresh the Record in the National Television Multiple Ownership Rule Proceeding*, 90 Fed. Reg. 30032 (June 18, 2025) (public notice).

³ Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99 (2004) (“CAA”).

⁴ Federal Communications Commission, *Comments of NCTA- The Internet & Television Association*, MB Docket No. 22-459 (Dec. 17, 2025); Federal Communications Commission, *Comments of Free Press*, MB Docket

lead to more nationalized content and less investment in coverage of local news, higher bills for consumers that subscribe to pay TV services, and diminished viewpoint diversity.

Congress also mandated the FCC to implement a nationwide audience reach cap to protect consumers, encourage independent voices, and prevent any one station group from monopolizing the airwaves. Your apparent attempt to relax the national ownership cap contradicts the text of the statute, legislative history, and contemporaneous understanding of the law. As I have previously written, Congress in 2004 rebuked the FCC's attempt to raise the national cap.⁵ With bipartisan support, Congress passed a law to set the maximum reach for entities owning TV stations at 39 percent of national television audience households.⁶ The statute also ensured the FCC could not evade the law by explicitly removing the 39 percent national cap from its forbearance authority.⁷ Congress further reinforced its intent by ensuring that the FCC could not use indefinite waivers to evade the 39 percent cap by requiring a licensee to come into compliance two years after any acquisition.⁸

The fact that Congress set a permanent cap, that could not be changed by the FCC, was widely understood at the time and has been the prevailing understanding of the law. For example, during debate of the law, numerous members of Congress, both Republicans and Democrats, referred to the cap as permanent.⁹ And well after the law passed, multiple broadcasters expressed their understanding that Congress permanently set the cap and only Congress could change it.¹⁰

No. 22-459 (Dec. 17, 2025); Federal Communications Commission, *Comments of DirecTV, LLC*, MB Docket No. 22-459 (Dec. 17, 2025).

⁵ Letter from Rep. Nancy Pelosi, Democratic Leader, and Rep. Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce, to Ajit Pai, Chairman, Federal Communications Commission (April 19, 2017); Letter from Rep. Nancy Pelosi, Democratic Leader, Rep. Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce, and Rep. Mike Doyle, Ranking Member, Subcommittee on Communications and Technology, to Ajit V. Pai, Chairman, Mignon Clyburn, Commissioner, Mike O'Rielly, Commissioner, Brendan Carr, Commissioner, and Jessica Rosenworcel, Commissioner, Federal Communications Commission (Nov. 20, 2017); Letter from Rep. Nancy Pelosi, Speaker of the House, Rep. Frank Pallone, Jr., Chairman, Committee on Energy and Commerce, to Jessica Rosenworcel, Chairwoman, Federal Communications Commission (Oct. 6, 2022).

⁶ CAA § 629(1); *Senate Votes to Restore Media Limits*, New York Times (June 23, 2004).

⁷ *Id.*

⁸ CAA § 629(3).

⁹ Statement of Representative William Tauzin, Congressional Record, H12838 (Dec. 8, 2003); Statement of Senator Diane Feinstein, Congressional Record, S148 (Jan. 22, 2004); Statement of Senator Patrick Leahy, Congressional Record, S141 (Jan. 22, 2004).

¹⁰ Federal Communications Commission, *Comments of Sinclair Broadcast Group, Inc.*, MB Docket No. 13-236 (Dec. 16, 2013); Federal Communications Commission, *Comments of 21st Century Fox, Inc. and Fox Television Holdings, Inc.*, MB Docket No. 13-236 (Dec. 16, 2013).

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Also of concern is the timing of your inquiry, which seems designed to immediately benefit a single company that has previously supported your priorities.¹¹ Unfortunately, I have observed the first year of your chairmanship to be marked by widespread political favoritism.¹² In this instance, your exploration of the national cap seems obviously designed to allow a political ally, Nexstar, to complete a proposed \$6.2 billion acquisition of rival broadcast group, Tegna.¹³ Nexstar proposed this multibillion-dollar merger knowing that, at the time of filing, it could not be completed under the law. The deal, if approved, would violate the 39 percent ownership cap even when accounting for the technically obsolete UHF discount.¹⁴ To accomplish the deal, Nexstar has explicitly asked you to either remove the national cap or waive the cap.¹⁵ As discussed above, both options would violate the law.

As the Ranking Member of the committee of jurisdiction over your agency, I stand ready to work with you, and anyone else, on any legislative proposals that would strengthen local news across the country and advance competition, localism, and diversity in broadcasting. However, I cannot condone any efforts that you make as Chairman to exceed the jurisdiction of your agency or violate the law.

Should you have any questions about this letter, please contact the Committee Democratic staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Ranking Member

¹¹ *What Nexstar's Attempt to Change FCC Rules Could Mean for Your Local News*, MarketWatch (Nov. 19, 2025).

¹² Letter from Rep. Frank Pallone, Jr., Ranking Member, Rep. Doris Matsui, Ranking Member, Subcommittee on Communications and Technology, and Rep. Yvette D. Clarke, Ranking Member, Subcommittee on Oversight and Investigations, to Brendan Carr, Chairman, Federal Communications Commission (Mar. 31, 2025); Letter from Rep. Frank Pallone, Jr., Ranking Member, Rep. Doris Matsui, Ranking Member, Subcommittee on Communications and Technology, and Rep. Yvette D. Clarke, Ranking Member, Subcommittee on Oversight and Investigations, to Fara Damelin, Inspector General, Federal Communications Commission (Sept. 19, 2025).

¹³ Nexstar Media Group, Inc., *Nexstar Seeks Approval of TEGNA Acquisition from Federal Communications Commission* (Nov. 18, 2025) (press release).

¹⁴ Letter from Rep. Nancy Pelosi, Democratic Leader, and Rep. Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce (April 19, 2017).

¹⁵ Federal Communications Commission, *Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of Tegna Inc. To Nexstar Media Inc. And Permit But-Disclose Ex Parte Status for the Proceeding*, MB Docket No. 25-331 (Dec. 1, 2025) (public notice).