

116TH CONGRESS
2D SESSION

H. R. 7782

To amend the Communications Act of 1934 to provide for mandatory cable carriage of low power television stations sharing facilities of certain full power commercial VHF stations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2020

Mr. PAYNE (for himself and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to provide for mandatory cable carriage of low power television stations sharing facilities of certain full power commercial VHF stations, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminating Local
5 News Deserts Act of 2020”.

1 **SEC. 2. CARRIAGE OF LOW POWER TELEVISION STATIONS**
2 **SHARING FACILITIES OF CERTAIN FULL**
3 **POWER COMMERCIAL VHF STATIONS.**

4 (a) CARRIAGE RIGHTS.—Section 614(c) of the Com-
5 munications Act of 1934 (47 U.S.C. 534(c)) is amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (3); and

8 (2) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) ADDITIONAL REQUIREMENTS FOR STA-
11 TIONS SHARING FACILITIES OF CERTAIN FULL
12 POWER COMMERCIAL VHF STATIONS.—

13 “(A) IN GENERAL.—A cable operator of a
14 cable system shall carry on such system, in ad-
15 dition to any qualified low power station such
16 operator is required to carry under paragraph
17 (1), any television broadcast station—

18 “(i) that is a qualified low power sta-
19 tion under subparagraph (B) of subsection
20 (h)(2); and

21 “(ii) the full power commercial very
22 high frequency television broadcast station
23 described in subsection (h)(2)(B)(ii)(II)
24 with which such qualified low power sta-
25 tion shares facilities is in the same tele-
26 vision market as such cable system.

1 “(B) REQUIREMENTS.—In the case of a
2 qualified low power station that is carried under
3 subparagraph (A), such qualified low power sta-
4 tion shall have the same carriage rights as the
5 full power commercial very high frequency tele-
6 vision broadcast station described in subpara-
7 graph (A)(ii) in the television market described
8 in such subparagraph.

9 “(C) TIMING.—The requirements of sub-
10 paragraph (A) shall apply, with respect to a tel-
11 evision broadcast station, beginning on the date
12 that is 90 days after the Commission makes a
13 determination under subparagraph (B) of sub-
14 section (h)(2) that such station is a qualified
15 low power station under such subparagraph.”.

16 (b) QUALIFIED LOW POWER STATION DEFINED.—
17 Section 614(h)(2) of the Communications Act of 1934 (47
18 U.S.C. 534(h)(2)) is amended—

19 (1) by redesignating subparagraphs (A) through
20 (F) as clauses (i) through (vi), respectively;

21 (2) by striking “The term” and inserting the
22 following:

23 “(A) IN GENERAL.—The term”;

24 (3) by striking “Nothing in this paragraph”
25 and inserting the following:

1 “(C) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph”; and

3 (4) by inserting after subparagraph (A) (as so
4 designated) the following:

5 “(B) STATIONS SHARING FACILITIES OF
6 CERTAIN FULL POWER COMMERCIAL VHF STA-
7 TIONS.—

8 “(i) IN GENERAL.—The term ‘quali-
9 fied low power station’ also includes any
10 television broadcast station for which there
11 is in effect a determination by the Com-
12 mission that such station is a qualified low
13 power station under this subparagraph.

14 “(ii) REQUIREMENTS.—The Commis-
15 sion shall determine that a television
16 broadcast station is a qualified low power
17 station under this subparagraph if—

18 “(I) such station conforms to the
19 rules established for low power tele-
20 vision stations contained in part 74 of
21 title 47, Code of Federal Regulations;

22 “(II) such low power station
23 shares facilities with a licensee of a
24 full power commercial very high fre-
25 quency television broadcast channel

1 allocated to a State under section
2 331(a);

3 “(III) such low power station
4 maintains its main studios and offices
5 in such State;

6 “(IV) such State has no exclu-
7 sive, in-State broadcast television
8 market within its boundaries, as de-
9 termined by Nielsen Media Research
10 or any successor entity;

11 “(V) there are no ‘big 4’ full
12 power commercial network affiliates
13 (ABC, CBS, NBC, and FOX) that
14 are licensed to, and principally oper-
15 ate within, such State; and

16 “(VI) such low power station pro-
17 vides, for a minimum of 3 hours per
18 day Monday through Friday and a
19 minimum of 2 hours per day on Sat-
20 urday and Sunday, locally produced
21 news, public affairs, and informational
22 programming focused on, or of gen-
23 eral interest to, the many residents
24 and communities throughout such
25 State.

1 “(iii) PETITION AND DETERMINA-
2 TION.—Not later than 30 days after a tele-
3 vision broadcast station submits to the
4 Commission a petition for a determination
5 that such station is a qualified low power
6 station under this subparagraph, the Com-
7 mission shall—

8 “(I) if the Commission finds that
9 the requirements of clause (ii) are met
10 with respect to such station, grant
11 such petition; or

12 “(II) if the Commission finds
13 that the requirements of clause (ii)
14 are not met with respect to such sta-
15 tion, deny such petition.

16 “(iv) ANNUAL CERTIFICATION.—

17 “(I) IN GENERAL.—Beginning on
18 the date that is 1 year after the date
19 on which a qualified low power station
20 under this subparagraph is first car-
21 ried on a cable system under sub-
22 section (c)(2), and annually there-
23 after, such station shall submit to the
24 Commission a certification that—

1 “(aa) such station is pro-
2 viding locally produced news,
3 public affairs, and informational
4 programming as described in
5 clause (ii)(VI); and

6 “(bb) such station commits
7 to the Commission that such sta-
8 tion will continue to provide such
9 locally produced news, public af-
10 fairs, and informational program-
11 ming as described in such clause
12 during the 1-year period begin-
13 ning on the date of the certifi-
14 cation.

15 “(II) FAILURE TO CERTIFY.—If
16 a qualified low power station under
17 this subparagraph fails to submit a
18 certification as required by subclause
19 (I), the Commission may revoke the
20 determination that such station is a
21 qualified low power station under this
22 subparagraph.

23 “(III) SCHEDULE AND ADMINIS-
24 TRATION.—Not later than 30 days
25 after the date of the enactment of this

1 subparagraph, the Commission shall
2 by order establish the schedule and
3 administration of the schedule for and
4 other requirements relating to the ad-
5 ministration of the certifications re-
6 quired by this clause.

7 “(v) GROUNDS FOR REVOCATION OF
8 DETERMINATION.—The Commission may
9 not revoke a determination that a tele-
10 vision broadcast station is a qualified low
11 power station under this subparagraph ex-
12 cept—

13 “(I) as provided in clause
14 (iv)(II); or

15 “(II) if the requirements of
16 clause (ii) are no longer met with re-
17 spect to such station.”.

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