

116TH CONGRESS  
2D SESSION

# S. 5058

To repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast stations, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2020

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast 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 “Local News and  
5 Broadcast Media Preservation Act of 2020”.

1 **SEC. 2. REGULATION OF BROADCAST OWNERSHIP BY THE**  
2 **FEDERAL COMMUNICATIONS COMMISSION.**

3 (a) **REPEAL OF MULTIPLE BROADCAST STATION**  
4 **OWNERSHIP RULES.—**

5 (1) **IN GENERAL.**—The Federal Communica-  
6 tions Commission may not impose any limitation on  
7 the number of radio or television stations—

8 (A) that a person or entity may directly or  
9 indirectly own, operate, or control; or

10 (B) in which a person or entity may have  
11 a cognizable interest.

12 (2) **REGULATIONS.**—In accordance with para-  
13 graph (1), the Federal Communications Commission  
14 shall repeal section 73.3555 of title 47, Code of Fed-  
15 eral Regulations.

16 (3) **TECHNICAL AND CONFORMING AMEND-**  
17 **MENT.**—Section 202 of the Telecommunications Act  
18 of 1996 (Public Law 104–104; 110 Stat. 108) is  
19 amended by striking subsections (a) through (d) and  
20 (h).

21 (b) **PROHIBITION ON LIMITATION OF NEWSPAPER**  
22 **AND BROADCAST STATION CROSS-OWNERSHIP.**—The  
23 Federal Communications Commission may not impose any  
24 limitation on the ability of a person or entity to own one  
25 or more daily newspapers and one or more full-power  
26 broadcast stations.

1 **SEC. 3. CLAYTON ACT.**

2 Section 7 of the Clayton Act (15 U.S.C. 18) is  
3 amended by adding at the end the following:

4 “For purposes of an acquisition described in this sec-  
5 tion, the market share in any geographic market of the  
6 television broadcasting market, the radio broadcasting  
7 market, or the daily newspaper publication market (or any  
8 relevant product market within such markets) of the ac-  
9 quiring person as a result of the acquisition shall not be  
10 considered to substantially lessen competition or to tend  
11 to create a monopoly.”.

12 **SEC. 4. SAFE HARBOR FOR CERTAIN COLLECTIVE NEGOTIATIONS.**

13  
14 (a) DEFINITIONS.—In this section:

15 (1) ANTITRUST LAWS.—The term “antitrust  
16 laws”—

17 (A) has the meaning given the term in  
18 subsection (a) of the first section of the Clayton  
19 Act (15 U.S.C. 12); and

20 (B) includes—

21 (i) section 5 of the Federal Trade  
22 Commission Act (15 U.S.C. 45) to the ex-  
23 tent that section applies to unfair methods  
24 of competition; and

25 (ii) any State law (including regula-  
26 tions) that prohibits or penalizes the con-

1           duct described in, or is otherwise incon-  
2           sistent with, subsection (b).

3           (2) NEWS CONTENT CREATOR.—The term  
4           “news content creator” means—

5           (A) any print or digital news organization  
6           that—

7                   (i) has a dedicated professional edi-  
8                   torial staff that creates and distributes  
9                   original news and related content con-  
10                  cerning local, national, or international  
11                  matters of public interest on at least a  
12                  weekly basis; and

13                   (ii) is commercially marketed through  
14                   subscriptions, advertising, or sponsorship;  
15                  and

16           (B) provides original news and related con-  
17           tent, with the editorial content consisting of not  
18           less than 25 percent current news and related  
19           content.

20           (3) ONLINE CONTENT DISTRIBUTOR.—The  
21           term “online content distributor” means any entity  
22           that—

23           (A) operates a website or other online serv-  
24           ice that displays, distributes, or directs users to  
25           news articles, works of journalism, or other con-

1           tent on the internet that is generated by third-  
2           party news content creators; and

3                   (B) has not fewer than 1,000,000,000  
4           monthly active users, in the aggregate, of all of  
5           its websites or online services worldwide.

6           (b) LIMITATION OF LIABILITY.—A news content cre-  
7   ator may not be held liable under the antitrust laws for  
8   engaging in negotiations with any other news content cre-  
9   ator during the 4-year period beginning on the date of en-  
10 actment of this Act to collectively withhold content from,  
11 or negotiate with, an online content distributor regarding  
12 the terms on which the news content of the news content  
13 creator may be distributed by the online content dis-  
14 tributor, if—

15                   (1) the negotiations with the online content dis-  
16   tributor—

17                           (A) are not limited to price;

18                           (B) are nondiscriminatory as to similarly  
19   situated news content creators;

20                           (C) directly relate to the quality, accuracy,  
21   attribution or branding, and interoperability of  
22   news; and

23                           (D) pertain to terms that would be avail-  
24   able to all news content creators;

1           (2) the coordination between the news content  
2           creators is directly related to and reasonably nec-  
3           essary for negotiations with an online content dis-  
4           tributor that are otherwise consistent with this Act;  
5           and

6           (3) the negotiations do not involve any person  
7           that is not a news content creator or an online con-  
8           tent distributor.

9           (c) **RULE OF CONSTRUCTION.**—Except as provided in  
10          this Act, this Act shall not be construed to modify, impair,  
11          or supersede the operation of the antitrust laws.

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