

117TH CONGRESS
1ST SESSION

H. R. 5393

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

SEPTEMBER 28, 2021

Mr. PAYNE 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 2021”.

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, on a
15 channel that is generally considered to be in the
16 primary broadcast tier, in addition to any quali-
17 fied low power station such operator is required
18 to carry under paragraph (1), any television
19 broadcast station—

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

23 “(ii) the full power commercial very
24 high frequency television broadcast station
25 described in subsection (h)(2)(B)(ii)(II)
26 with which such qualified low power sta-

1 tion shares facilities is in the same tele-
2 vision market as such cable system.

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

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

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

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

23 (2) by striking “The term” and inserting the
24 following:

25 “(A) IN GENERAL.—The term”;

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

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

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

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

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

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

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

24 “(II) such low power station
25 shares facilities with a licensee of a

1 full power commercial very high fre-
2 quency television broadcast channel
3 allocated to a State under section
4 331(a);

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

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

15 “(V) such low power station
16 broadcasts not fewer than 14 hours of
17 common local programming per week,
18 not fewer than 7 hours of which shall
19 be broadcast between the hours of
20 6:00 p.m. and midnight;

21 “(VI) such low power station in-
22 cludes as part of the common local
23 programming broadcast under sub-
24 clause (V) a substantial amount of
25 particularized local content;

1 “(VII) such low power station
2 maintains a broadcast studio in the
3 station’s community of license;

4 “(VIII) such low power station
5 files with the Commission a quarterly
6 disclosure of all programming broad-
7 cast under subclause (V) during the
8 period covered by the disclosure,
9 which—

10 “(aa) shall include a sepa-
11 rate list of programming included
12 under subclause (VI) with a de-
13 tailed explanation of how pro-
14 gramming satisfies the require-
15 ments of subclause (VI); and

16 “(bb) the Commission shall
17 make publicly available; and

18 “(IX) when developing the pro-
19 gramming described in subclauses (V)
20 and (VI), or any public service an-
21 nouncement broadcast on such low
22 power station, such low power station
23 consults with community leaders and
24 members of the general public in the
25 market served by the station.

1 “(iii) PETITION AND DETERMINA-
2 TION.—Not later than 90 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) the requirements of
2 clause (ii) are met with respect to
3 such station; and

4 “(bb) such station commits
5 to the Commission that the re-
6 quirements of clause (ii) will con-
7 tinue to be met with respect to
8 such station during the 1-year
9 period beginning on the date of
10 the certification.

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

19 “(III) SCHEDULE AND ADMINIS-
20 TRATION.—Not later than 30 days
21 after the date of the enactment of this
22 subparagraph, the Commission shall
23 by order establish the schedule and
24 administration of the schedule for and
25 other requirements relating to the ad-

1 ministration of the certifications re-
2 quired by this clause.

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

9 “(I) as provided in clause
10 (iv)(II); or

11 “(II) if the requirements of
12 clause (ii) are no longer met with re-
13 spect to such station.”.

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