

105TH CONGRESS
1ST SESSION

H. R. 1539

To amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1997

Mr. NORWOOD (for himself, Mr. TURNER, Mr. OXLEY, Mr. DEAL of Georgia, Mr. KLINK, Mr. HASTERT, Mr. BOUCHER, Mr. GILLMOR, Mr. WHITFIELD, Mr. GORDON, Mr. CRAMER, Ms. CARSON, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. JENKINS, Mr. DUNCAN, Mr. OBERSTAR, Mr. MURTHA, Mr. RILEY, Mr. PETERSON of Minnesota, Mr. KINGSTON, Mr. KUCINICH, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, 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 “Community Broadcast-
5 ing Protection Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) Since the creation of low-power television li-
4 censes by the Federal Communications Commission,
5 a small number of license holders have operated
6 their stations in a manner most beneficial to the
7 public good. Many of these stations have provided
8 broadcasting to their communities that would not
9 otherwise have been available.

10 (2) These low-power broadcasters have operated
11 their stations in a manner consistent with the pro-
12 gramming objectives and hours of operation of full-
13 power broadcasters. These small stations have pro-
14 vided these worthwhile services to their respective
15 communities while under severe license limitations
16 compared to their full-power counterparts.

17 (3) These license limitations, particularly the
18 temporary nature of the license, have blocked many
19 of these broadcasters from having access to capital,
20 and have severely hampered their ability to continue
21 to provide quality broadcasting, programming, or
22 improvements.

23 (4) The passage of the Telecommunications Act
24 of 1996 has added to the uncertainty of the future
25 status of these stations by the lack of specific provi-
26 sions regarding the permanency of their licenses, or

1 their treatment during the transition to high defini-
2 tion, digital television.

3 **SEC. 3. PRESERVATION OF LOW-POWER COMMUNITY TELE-**
4 **VISION BROADCASTING.**

5 (a) AMENDMENT.—Section 336 of the Communica-
6 tions Act of 1934 (47 U.S.C. 334) is amended—

7 (1) by redesignating subsections (f) and (g) as
8 subsections (g) and (h), respectively; and

9 (2) by inserting after subsection (e) the follow-
10 ing new subsection:

11 “(f) PRESERVATION OF LOW-POWER COMMUNITY
12 TELEVISION BROADCASTING.—

13 “(1) CREATION OF CLASS A LICENSES.—Within
14 30 days after the date of enactment of the Commu-
15 nity Broadcasting Protection Act of 1997, the Com-
16 mission shall prescribe regulations to establish a
17 class A license for qualifying low-power television
18 stations. Such license shall be subject to the same li-
19 cense term and renewal standards as the licenses for
20 full-power television stations, and shall be accorded
21 primary status as television broadcasters under the
22 Commission’s regulations. Within 30 days after such
23 date, the Commission shall send a notice to the li-
24 censees of all low-power television licenses of the
25 terms of this section. The Commission shall, within

1 30 days after receipt of an application that is ac-
2 ceptable for filing, award such a class A television
3 station license to any licensee of a qualifying low-
4 power television station who submits such applica-
5 tion within 90 days after receipt of such notice.

6 “(2) QUALIFYING LOW-POWER TELEVISION STA-
7 TIONS.—For purposes of this subsection, a station is
8 a qualifying low-power television station if—

9 “(A) during the 90 days preceding the
10 date of enactment of the Community Broad-
11 casting Protection Act of 1997—

12 “(i) such station broadcast a mini-
13 mum of 18 hours per day;

14 “(ii) such station broadcast an aver-
15 age of at least 3 hours per week of pro-
16 gramming that was produced within the
17 community of license of such station; and

18 “(iii) such station was in compliance
19 with the requirements applicable to low-
20 power television stations; or

21 “(B) the Commission determines that the
22 public interest, convenience, and necessity
23 would be served by treating the station as a
24 qualifying low-power television station for pur-
25 poses of this section.

1 “(3) ISSUANCE OF LICENSES FOR ADVANCED
2 TELEVISION SERVICES TO QUALIFYING LOW-POWER
3 TELEVISION STATIONS NOT REQUIRED.—The Com-
4 mission is not required to issue any additional li-
5 censes for advanced television services to the licens-
6 ees of the class A television stations. Such a licensee
7 may, at the option of licensee, elect to convert to the
8 provision of advanced television services, but shall
9 not be required to provide such services until the
10 Commission requires the use of digital or other ad-
11 vanced technologies by full-power television stations.

12 “(4) PRESERVATION OF CLASS A STATIONS.—
13 Except as expressly permitted by this paragraph, no
14 licensee of a class A television station shall be re-
15 quired to cease operations, nor shall the license of
16 such a licensee be rescinded or otherwise terminated,
17 for the purposes of implementing any amendments
18 to the table of allotments adopted before the date of
19 enactment of the Community Broadcasting Protec-
20 tion Act of 1997 to provide additional licenses for
21 advanced television services. The Commission may
22 order such a cessation, rescission, or termination
23 only after compliance with the following require-
24 ments:

1 “(A) The Commission shall revise such
2 table of allotments to preserve each class A sta-
3 tion unless the preservation of such station (i)
4 would render impossible the assignment of an
5 additional license for advanced television serv-
6 ices to a full-power station, or (ii) would require
7 the Commission to revoke or rescind a construc-
8 tion permit issued to such full-power station.

9 “(B) If the Commission cannot revise the
10 table of allotments to preserve a class A station
11 as required by subparagraph (A), the Commis-
12 sion shall, to the maximum extent possible, re-
13 vise the table of allotments to preserve the class
14 A station in the same community of license,
15 using the same facilities, by assigning to such
16 station a different frequency.

17 “(C) If the Commission cannot revise the
18 table of allotments to preserve a class A station
19 as required by subparagraph (A) or (B), the
20 Commission shall seek to provide such licensee
21 with a class A license in a community of license
22 that is adjacent to the station’s previous com-
23 munity of license.

24 “(D) If the Commission cannot preserve a
25 class A station as required by subparagraph

1 (A), (B), or (C), the Commission shall award
2 such licensee the license for another station in
3 another community of license acceptable to the
4 licensee, to the extent that the license for such
5 other station is available. Such a licensee shall
6 be preferred in the award of such other station
7 license over any other applicant (other than an-
8 other licensee of a class A television station that
9 is required to relinquish its existing license).”.

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