

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.

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## 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

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## 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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