117th CONGRESS
1st Session

S._____

To require the Federal Communications Commission to issue a rule providing that certain low power television stations may be accorded primary status as Class A television licensees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUNT (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on __________________

A BILL

To require the Federal Communications Commission to issue a rule providing that certain low power television stations may be accorded primary status as Class A television licensees, 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 “Low Power Protection
5 Act”.
6 SEC. 2. LOW POWER TV STATIONS.
7 (a) DEFINITIONS.—In this section—
1. (1) the term "Commission" means the Federal Communications Commission;

2. (2) the term "Designated Market Area" means—

3. (A) a Designated Market Area determined by Nielsen Media Research or any successor entity; or

4. (B) a Designated Market Area under a system of dividing television broadcast station licensees into local markets using a system that the Commission determines is equivalent to the system established by Nielsen Media Research; and

5. (3) the term "low power TV station" has the meaning given the term "digital low power TV station" in section 74.701 of title 47, Code of Federal Regulations, or any successor regulation.

(b) PURPOSE.—The purpose of this section is to provide low power TV stations with a limited window of opportunity to apply for the opportunity to be accorded primary status as Class A television licensees.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall issue a notice of proposed rulemaking to issue
a rule that contains the requirements described in this subsection.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The rule with respect to which the Commission is required to issue notice under paragraph (1) shall provide that, during the 1-year period beginning on the date on which that rule takes effect, a low power TV station may apply to the Commission to be accorded primary status as a Class A television licensee under section 73.6001 of title 47, Code of Federal Regulations, or any successor regulation.

(B) CONSIDERATIONS.—The Commission may approve an application submitted under subparagraph (A) if the low power TV station submitting the application—

(i) satisfies—

(I) section 336(f)(2) of the Communications Act of 1934 (47 U.S.C. 336(f)(2)) and the rules issued under that section, including the requirements under such section 336(f)(2) with respect to locally-produced programming, except that, for the pur-
poses of this subclause, the period de-
described in the matter preceding sub-
clause (I) of subparagraph (A)(i) of
such section 336(f)(2) shall be con-
strued to be the 90-day period pre-
ceeding the date of enactment of this
Act; and

(ii) demonstrates to the Commission
that the Class A station for which the li-
cense is sought will not cause any inter-
ference described in section 336(f)(7) of
the Communications Act of 1934 (47
U.S.C. 336(f)(7)); and

(iii) as of the date of enactment of
this Act, operates in a Designated Market
Area with not more than 95,000 television
households.

(3) APPLICABILITY OF LICENSE.—A license
that accords primary status as a Class A television
licensee to a low power TV station as a result of the
rule with respect to which the Commission is re-
quired to issue notice under paragraph (1) shall—

(A) be subject to the same license terms
and renewal standards as a license for a full
power television broadcast station, except as
otherwise expressly provided in this subsection;
and

(B) require the low power TV station to
remain in compliance with paragraph (2)(B)
during the term of the license.

(d) REPORTING.—Not later than 1 year after the
date of enactment of this Act, the Commission shall sub-
mit to the Committee on Commerce, Science, and Trans-
portation of the Senate and the Committee on Energy and
Commerce of the House of Representatives a report re-
garding the implementation of this section, which shall in-
clude—

(1) a list of the current, as of the date on which
the report is submitted, licensees that have been ac-
corded primary status as Class A television licensees;
and

(2) of the licensees described in paragraph (1),
an identification of each such licensee that has been
 accorded the status described in that paragraph be-
cause of the implementation of this section.