

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
2 Communications Commission;

3 (2) the term "Designated Market Area"
4 means—

5 (A) a Designated Market Area determined
6 by Nielsen Media Research or any successor en-
7 tity; or

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

14 (3) the term "low power TV station" has the
15 meaning given the term "digital low power TV sta-
16 tion" in section 74.701 of title 47, Code of Federal
17 Regulations, or any successor regulation.

18 (b) PURPOSE.—The purpose of this section is to pro-
19 vide low power TV stations with a limited window of op-
20 portunity to apply for the opportunity to be accorded pri-
21 mary status as Class A television licensees.

22 (c) RULEMAKING.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this Act, the Commission
25 shall issue a notice of proposed rulemaking to issue

1 a rule that contains the requirements described in
2 this subsection.

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—The rule with respect
5 to which the Commission is required to issue
6 notice under paragraph (1) shall provide that,
7 during the 1-year period beginning on the date
8 on which that rule takes effect, a low power TV
9 station may apply to the Commission to be ac-
10 corded primary status as a Class A television li-
11 censee under section 73.6001 of title 47, Code
12 of Federal Regulations, or any successor regula-
13 tion.

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

18 (i) satisfies—

19 (I) section 336(f)(2) of the Com-
20 munications Act of 1934 (47 U.S.C.
21 336(f)(2)) and the rules issued under
22 that section, including the require-
23 ments under such section 336(f)(2)
24 with respect to locally-produced pro-
25 gramming, except that, for the pur-

1 poses of this subclause, the period de-
2 scribed in the matter preceding sub-
3 clause (I) of subparagraph (A)(i) of
4 such section 336(f)(2) shall be con-
5 structed to be the 90-day period pre-
6 ceding the date of enactment of this
7 Act; and

8 (ii) paragraphs (b), (c), and (d)
9 of 73.6001 of title 47, Code of Fed-
10 eral Regulations, or any successor
11 regulation;

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

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

22 (3) **APPLICABILITY OF LICENSE.**—A license
23 that accords primary status as a Class A television
24 licensee to a low power TV station as a result of the

1 rule with respect to which the Commission is re-
2 quired to issue notice under paragraph (1) shall—

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

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

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

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

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

