

117TH CONGRESS  
1ST SESSION

# S. 3405

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2021

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

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## 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-

poses of this subclause, the period described in the matter preceding subclause (I) of subparagraph (A)(i) of such section 336(f)(2) shall be construed to be the 90-day period preceding the date of enactment of this Act; and

(II) paragraphs (b), (c), and (d) of 73.6001 of title 47, Code of Federal Regulations, or any successor regulation;

(ii) demonstrates to the Commission that the Class A station for which the license is sought will not cause any interference 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

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

- 1        accorded the status described in that paragraph be-
- 2        cause of the implementation of this section.

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