

115TH CONGRESS
2D SESSION

H. R. 6416

To amend the Communications Act of 1934 to direct the Federal Communications Commission, upon the request of a very high frequency commercial television broadcast station that has relocated to an underserved State, to provide that the virtual major channel number of such station shall be considered to be the same as the radio frequency channel number of such station.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2018

Mr. SMITH of New Jersey (for himself and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to direct the Federal Communications Commission, upon the request of a very high frequency commercial television broadcast station that has relocated to an underserved State, to provide that the virtual major channel number of such station shall be considered to be the same as the radio frequency channel number of such station.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Local Television Serv-
3 ice and Emergency Preparedness Act of 2018”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Section 307(b) of the Communications Act
7 of 1934 (47 U.S.C. 307(b)) provides that the Fed-
8 eral Communications Commission “shall make such
9 distribution of licenses, frequencies, hours of oper-
10 ation, and of power among the several States and
11 communities as to provide a fair, efficient, and equi-
12 table distribution of radio service to each of the
13 same”.

14 (2) In 1982, Congress added section 331(a) to
15 such Act (47 U.S.C. 331(a)) with the clear intent of
16 providing high quality, competitive, commercial very
17 high frequency (VHF) television service identifiable
18 as such to the public in States without VHF tele-
19 vision service. Such section was adopted, in part, to
20 address the need for focused local news and emer-
21 gency information in States without dedicated VHF
22 television service, and as important, without an in-
23 State Nielsen designated market area with the usual
24 accompaniment of stations affiliated with the major
25 networks and oriented toward local news.

1 (3) Key reasons for ensuring that a VHF sta-
2 tion's virtual major channel number matches its
3 radio frequency channel number when allocated pur-
4 suant to such section 331(a) include the following:

5 (A) More comprehensive deployment of the
6 Emergency Alert System.

7 (B) Increased public awareness through
8 ongoing, over-the-air education of crisis man-
9 agement by Federal, State, and local officials.

10 (C) Augmented public emergency pre-
11 paredness.

12 (D) Enhanced focus and in-State coordina-
13 tion of communications to facilitate improved
14 public responsiveness to calls for action from
15 alerts issued through the Emergency Alert Sys-
16 tem, whether local, State, or national in origi-
17 nation.

18 (E) Continuing comprehensive local news
19 reports and dissemination of pertinent emer-
20 gency management information within a State
21 to which a VHF station relocates during and
22 following such alerts.

23 (F) Ensuring viewers will know to select
24 the proper VHF antenna for over-the-air recep-

1 tion of such participating Emergency Alert Sys-
2 tem station.

3 (G) Having a common universal numerical
4 VHF tuning address throughout the viewing
5 area ensures an easily remembered channel
6 number for accessing the VHF station and
7 Emergency Alert System information.

8 (4) The right to obtain and retain a matching
9 virtual major channel number and radio frequency
10 channel number is crucial to providing high-quality
11 VHF television service as described in the preceding
12 paragraphs of this section.

13 **SEC. 3. COMMON VIRTUAL MAJOR CHANNEL NUMBER AND**
14 **RADIO FREQUENCY CHANNEL NUMBER FOR**
15 **CERTAIN VHF TELEVISION STATIONS.**

16 Section 331(a) of the Communications Act of 1934
17 (47 U.S.C. 331(a)) is amended—

18 (1) by striking “It shall be the policy” and in-
19 serting the following:

20 “(1) POLICY.—It shall be the policy”; and

21 (2) by adding at the end the following:

22 “(2) COMMON VIRTUAL MAJOR CHANNEL NUM-
23 BER AND RADIO FREQUENCY CHANNEL NUMBER.—

24 “(A) IN GENERAL.—Not later than 45
25 days after the submission of a request to the

Commission by the licensee of a station retaining a channel which has been reallocated and relocated to a community in a State under paragraph (1) with main facilities in such State, the Commission shall, subject to subparagraph (C) but notwithstanding any other provision of law and its rules, issue an order providing that the channel numbers described subparagraph (B) shall be considered to be the same as the number of the radio frequency channel of the station as specified in the Digital Television Table of Allotments.

“(B) CHANNEL NUMBERS DESCRIBED.—

The channel numbers described in this subparagraph are the following:

“(i) The number of the very high frequency channel on which the station is broadcast over the air for purposes of section 614(b)(6) and the associated regulations of the Commission.

“(ii) The virtual major channel number specified in the Program and System Information Protocol of the station, as determined under the ATSC standard entitled ‘Program and System Information

1 Protocol for Terrestrial Broadcast and
2 Cable’ (or any successor standard) with
3 which the rules of the Commission require
4 the transmission of digital broadcast tele-
5 vision signals to comply.

6 “(C) REQUIREMENTS RELATING TO LOCAL
7 NEWS, INFORMATION, OR PUBLIC AFFAIRS PRO-
8 GRAMMING.—

9 “(i) INITIAL CERTIFICATION.—Sub-
10 paragraph (A) shall apply with respect to
11 a station only if the licensee of such sta-
12 tion includes in the request submitted
13 under such subparagraph a certification
14 that, beginning not later than 90 days
15 after the date of such request, such station
16 will provide at least one hour daily of
17 news, information, or public affairs pro-
18 gramming focused on, or of general inter-
19 est to, local audiences in the State to
20 which the channel of such station has been
21 reallocated under paragraph (1).

22 “(ii) INITIATION AND CONTINUATION
23 OF PROGRAMMING; ANNUAL RECERTIFI-
24 CATION.—Subparagraph (A) shall cease to

1 apply with respect to a station if the li-
2 censee of such station fails to—

3 “(I) initiate the programming de-
4 scribed in clause (i) within the 90-day
5 timeframe described in such clause;

6 “(II) produce and air the pro-
7 gramming described in clause (i) on a
8 continuing basis; or

9 “(III) recertify on an annual
10 basis that such station is providing
11 the programming described in clause
12 (i).

13 “(iii) AVAILABILITY TO OTHER TELE-
14 VISION STATIONS AND SERVICES.—Sub-
15 paragraph (A) shall cease to apply with re-
16 spect to a station if the licensee of such
17 station fails to—

18 “(I) make available, on a reason-
19 able basis, the programming described
20 in clause (i) to other television broad-
21 cast stations and other television dis-
22 tribution services (such as cable or
23 satellite television systems), for dis-
24 tribution outside the Nielsen des-
25 ignated market area of the station the

1 channel of which has been reallocated
2 under paragraph (1) but within the
3 State to which such channel has been
4 so reallocated; or

5 “(II) after the programming de-
6 scribed in clause (i) has aired, make
7 such programming available through
8 streaming on the internet.”.

○